

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

Notices of Exempt Rulemaking

Effective July 8, 2011, the AHCCCS Administration adopted R9-22-1443 which closed AHCCCS Care to new enrollment of Childless Adults. *Arizona Administrative Register*, July 28, 2011, Vol. 17, Issue 29, pages 1345-1360. As was the case for the initial version of the rule, this amendment to the rule is for the purpose of establishing a program within available appropriations and, as such, is exempt from the rulemaking requirements of Title 41, Chapter 6, Arizona Revised Statutes by virtue of Arizona Laws 2010, 7th Special Session, Ch. 10, § 34. In addition, this rule is exempt from the rulemaking requirements under Arizona Laws 2011, Ch. 31, § 34. Please refer to the explanation for the original rule as published in the *Arizona Administrative Register* referenced above for more details.

“Childless Adults” are persons who are not designated as eligible in the Arizona State Plan for Medicaid under specific provisions of Title XIX of the Social Security Act. The State Plan is the agreement between the state and federal government that entitles the state to federal participation in the cost of providing medical care through AHCCCS. In general terms, the people affected by this rule have household income at or below 100% of the federal poverty level and are not pregnant, under age 19, a specified caretaker relative of a deprived child, age 65 or older, blind, or disabled. In general, a population must be described in the State Plan for Medicaid to qualify for federal financial participation in the cost of care for those persons. While Childless Adults are not listed in the Arizona State Plan for Medicaid, the Secretary of the United States Department of Health and Human Services, under the authority of section 1115 of the Social Security Act, has found that it would assist in promoting the objectives of Medicaid to allow Arizona to claim federal financial participation for the cost of extending Medicaid coverage to the Childless Adults as described in the Demonstration Project. That Project was approved on October 21, 2011, and can be reviewed at: <http://www.azahcccs.gov/shared/news.aspx#ArizonaSection1115DemonstrationProjectWaiver>.

As part of the Special Terms and Conditions of the Demonstration Project, AHCCCS is required to allow persons who were eligible under AHCCCS Care prior to July 8, 2011, to remain eligible under that category if they continuously complied with the procedural and substantive requirements for AHCCCS Care. In addition, those Special Terms and Conditions required AHCCCS to add certain persons to the AHCCCS Care eligibility category if they had been previously determined eligible under another category but lost eligibility for that category for certain specified reasons on or after July 8, 2011. Those persons include AHCCCS eligible persons who were eligible as children but who, after July 8, 2011, no longer meet the age requirement for that eligibility category (they “age out”). The Special Terms and Conditions also require that, with respect to AHCCCS Care eligible persons who are age 65 or over, under age 65 with Medicare benefits, or who have been determined by the Arizona Department of Health Services to be a person with a Serious Mental Illness under A.R.S. § 36-550, AHCCCS must transition eligibility to the category for recipients of Supplemental Security Income but who do not receive a cash payment under that program (SSI-MAO) pending a determination of disability. AHCCCS is required to return to the AHCCCS Care category, those persons that are transferred but who are not ultimately determined to meet Medicaid standards for disability.

This amended rule implements the limited coverage for Childless Adults under the AHCCCS Care program as described in the Demonstration Project including the exception described in the Special Terms and Conditions of that Demonstration Project.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

The Administration does not anticipate any impact. This rule does not reflect a change in practice from the implementation of the rule that was effective July 8, 2011.

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Not applicable

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

The following responses have been made for comments received as of close of the comment period December 3, 2011:

Notices of Exempt Rulemaking

<u>Numb:</u>	<u>Date/ Commentor:</u>	<u>Comment:</u>	<u>Response:</u>
1.	11/11/11 Gary Brennan Quality Care Network	The age for childless adults should expand the group covered from birth through age 26, minimally. This will provide the best protection for those young adults transitioning from foster care, who decide to not stay under the programs of ADES/CPS at age of majority. It will also include those others who will not qualify, clinically, as seriously mentally ill (SMI) in the behavioral health delivery system. Many of these young adults need ongoing medications and other clinically supportive services to transition into independence and adulthood. Finally, it will match what is allowed under the Affordable Care Act for young adults fortunate to be within a family that has commercial insurance.	An expansion to all persons under the age of 26 could not be accomplished consistent with the appropriation to the agency. Similarly, the current demonstration project does not provide federal financial participation for all persons under the age of 26.
2.	11/30/11 Ellen S. Katz William Morris Institute	<p>The Institute reiterates all the arguments it made on June 20, 2011. The proposed amended rulemaking and the initial rulemaking should be withdrawn.</p> <p>H. The Categories Excepted From the Freeze Violate Equal Protection Protections of the State and Federal Constitutions</p> <p>As noted above, in Sections D-G of the proposed amended rule, certain individuals will be allowed to transition to other categories after July 8, or will be allowed to transition back to the childless adult category after July 8. These categories treat similarly situated persons differently in violation of equal protection under the Arizona and federal constitutions. As an example, a childless adult transferred to the SSI/MAO program in June 2011 but who subsequently is found not eligible for SSI will not be transferred back to the childless adult category. A similarly situated person transferred to the SSI/MAO category after July 8 will be transferred back to the childless adult category. There is no reason for this arbitrary distinction. All persons on the AHCCCS program as of July 8 must be allowed to transition to any other category including the childless adult category. Otherwise, the proposed amended rule creates discriminatory classifications.</p>	<p>See our responses to the comments made in the original rulemaking. Since the agency's response to the June 20, 2011 comments, the Arizona Court of Appeals upheld the legality of the initial proposed rulemaking and the freeze on enrollment for Childless Adults. In addition the federal government has approved a new demonstration project consistent with the provisions of this proposed rule following public notice and comment period consistent with the federal requirements.</p> <p>The purpose of the rule is to preserve eligibility for those persons who benefited from the expanded definition of eligibility (coverage for Childless Adults) as of July 8, 2011 when the freeze went into effect and so long as they continue to meet eligibility requirement for AHC-CCS Care (AC) and comply with renewal requirements.</p> <p>Pursuant to proposed subsection (G) and the terms of the current demonstration project, the Administration will identify those persons who on or after June 28, 2011 were eligible for AC but whose circumstances suggest that they could be more appropriately determined eligible under the state plan category for SSI/MAO. The eligibility status for these people will be administratively changed to SSI/MAO pending a complete determination of their eligibility for this category as of their regularly scheduled annual renewal date. These individuals should not be penalized by being discontinued based on an erroneous administrative action.</p>

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
Not applicable

Notices of Exempt Rulemaking

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

This rule conforms to federal requirements reflected in the phase out plan approved by the federal government on July 8, 2011 and the Special Terms and Conditions of the Demonstration Project approved by the federal government on October 21, 2011.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

An analysis was not submitted.

13. A list of any incorporated by reference material and its location in the rule:

None

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION

ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR FAMILIES AND INDIVIDUALS

Section

R9-22-1443. Closing New Eligibility for Persons Not Covered under the State Plan

ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR FAMILIES AND INDIVIDUALS

R9-22-1443. Closing New Eligibility for Persons Not Covered under the State Plan

A. Neither the Department nor the Administration shall approve as eligible for coverage individuals who apply on or after July 8, 2011 who do not otherwise meet the eligibility criteria for an optional or mandatory Title XIX coverage group described in the Arizona State Plan for Medicaid: that is, neither the Department nor the Administration shall approve eligibility with an effective date on or after July 8, 2011 for the population described in A.R.S. § 36-2901.01 and AHCCCS Rule R9-22-1428(4), referred to in this rule as "AHCCCS Care."

1. With respect to any applications that are pending as of July 8, 2011, the Department shall not approve any individual as eligible for AHCCCS Care who has not met all eligibility requirements prior to July 8, 2011.
2. This rule does not prohibit the redetermination of an individual as eligible for AHCCCS Care on or after July 8, 2011, if the individual was determined eligible for AHCCCS Care prior to July 8, 2011 and has remained continuously eligible since the date of the determination of eligibility that occurred prior to July 8, 2011.

B. At least monthly, the Director shall review the most recent estimate of the anticipated expenditures for the remainder of the state fiscal year as compared to funds remaining in the appropriations made to the agency for the state fiscal year as well as any other known or reasonably anticipated sources of other funding. Based on that review and subject to approval by the Center for Medicare and Medicaid Services, the Director may:

1. Delay implementation of the closure of new enrollment into the AHCCCS Care program.
2. Re-open the AHCCCS Care program to new enrollment following the closure of the AHCCCS Care program.
3. Terminate coverage for some or all persons eligible for the AHCCCS Care program based on date of eligibility and/or such other factors that the Director determines are equitable and consistent with the objective of ensuring coverage for as many persons as possible within available funding.

C. Public notice of any changes to the AHCCCS Care program described under subsection (B) shall be provided thirty days prior to the effective date of the change via publication on the AHCCCS web site unless shorter notice is necessary to maintain a program that is reasonably anticipated to remain within available funding.

A. Definition. For purposes of this Section, "AHCCCS Care" refers to the eligibility category that includes individuals encompassed within the expanded definition of "eligible person" under A.R.S. § 36-2901.01 and R9-22-1428(4), but who do not meet eligibility criteria for an optional or mandatory Title XIX coverage group described in the Arizona State Plan for Medicaid.

B. General Rule. Except as provided by this Section, neither the Department nor the Administration shall approve an individual for AHCCCS Care with an effective date of eligibility on or after July 8, 2011.

C. Exception for pending applications. With respect to any applications that are pending as of July 8, 2011, the Department and the Administration shall approve any individual as eligible for AHCCCS Care who has met all eligibility require-

Notices of Exempt Rulemaking

ments for AHCCCS Care during or after the month of application but prior to July 8, 2011, and has continuously met all eligibility requirements for AHCCCS Care since that date.

- D.** Exception for children. The Department and the Administration shall approve an individual as eligible for AHCCCS Care on or after July 8, 2011 who:
1. Was determined eligible under the Arizona State Plan for Medicaid based on being under the age of 19;
 2. Would otherwise be discontinued due to reaching the age of 19 on or after July 8, 2011, under subsection (B) of this Section; and
 3. Meets all eligibility requirements for AHCCCS Care on and after reaching age 19.
- E.** Exception for KidsCare. The Department and the Administration shall approve an individual as eligible for AHCCCS Care on or after July 8, 2011 who:
1. Was determined eligible under 9 A.A.C. 31 based on being under the age of 19;
 2. Would otherwise be discontinued due to reaching the age of 19 on or after July 8, 2011, under subsection (B) of this Section; and
 3. Meets all eligibility requirements for AHCCCS Care on and after reaching age 19.
- F.** Exception for Young Adult Transitional Insurance (YATI). The Department and the Administration shall approve an individual as eligible for AHCCCS Care on or after July 8, 2011 who:
1. Was determined eligible for YATI under R9-22-1432;
 2. Would otherwise be discontinued due to reaching the age of 21 on or after July 8, 2011 under subsection (A) of this Section; and
 3. Meets all eligibility requirements for AHCCCS Care on and after reaching age 21.
- G.** Exception for certain SSI-MAO. The Department and the Administration shall approve as eligible for AHCCCS Care, on or after July 8, 2011, an individual who:
1. Was determined eligible for AHCCCS Care; and
 2. Whose eligibility category is changed on or after June 28, 2011, from AHCCCS Care to eligibility based on R9-22-1501(A)(1) (SSI Medical Assistance Only) because the individual, at the time of the change in eligibility category, is age 65 or over, under the age of 65 with Medicare coverage, or who has been determined by ADHS to have a Serious Mental Illness; but who
 3. Subsequent to the change in eligibility category, is determined not to meet eligibility requirements under Article 15; but only if
 4. The individual meets all eligibility requirements for AHCCCS Care on and after the date the individual is determined not to meet eligibility requirements under Article 15.
- H.** Exception for redeterminations. This Section does not prohibit the redetermination of an individual as eligible for AHCCCS Care on or after July 8, 2011, if the individual was determined eligible for AHCCCS Care prior to July 8, 2011 and has remained continuously eligible for AHCCCS Care since July 8, 2011 or the date on which the individual was determined eligible for AHCCCS Care under subsections (C), (D), and (E) of this Section.
- I.** Discontinuance for other reasons. Nothing in this Section prohibits or restricts the Department or the Administration from discontinuing AHCCCS Care for an individual who does not meet any other eligibility criteria set forth elsewhere in this Chapter including but not limited to discontinuance based on the individual's failure to verify eligibility information upon an application or redetermination.
- J.** Review of anticipated expenditures. At least monthly, the Director shall review the most recent estimate of the anticipated expenditures for the remainder of the state fiscal year as compared to funds remaining in the appropriations made to the agency for the state fiscal year as well as any other known or reasonably anticipated sources of other funding. Based on that review the Director may, subject to approval by the Center for Medicare and Medicaid Services, re-open the AHCCCS Care program to new enrollment otherwise prohibited by this Section.
- K.** At least 30 days prior to the effective date of any changes to eligibility for the AHCCCS Care program as described in this Section, public notice shall be provided via publication on the AHCCCS web site unless shorter notice is necessary to maintain a program that is reasonably anticipated to remain within available funding.

Notices of Exempt Rulemaking

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

Editor's Note: The following Notice of Exempt Rulemaking was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 2698.)

[R11-207]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**
R12-4-304 Amend
- 2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 17-231(A)(1)
Implementing statute: A.R.S. §§ 17-102, 17-231(A)(3), 17-235, and 17-301
- 3. The effective date of the rule and the agency's reason it selected the effective date:**
December 9, 2011
The rule will become effective immediately as authorized under Laws 2011, 1st Regular Session, Ch. 133E, § 5(B)
- 4. A list of all previous notices published in the Register as specified in R1-4-409(A) that pertain to the record of the exempt rulemaking:**
Not applicable
- 5. The agency's contact person who can answer questions about the rulemaking:**
Name: Dana McGehee, FOR6 Wildlife Manager
Address: AZGFD
7200 E. University Drive
Mesa, AZ 85207
Telephone: (480) 528-7986
Fax: (480) 324-3596
E-mail: DMcGehee@azgfd.gov
Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.
- 6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
House Bill 2396, Laws 2011, 1st Regular Session, Ch. 113E, § 5(B), authorizes the Commission to amend R12-4-304 using the exempt rulemaking process for a period of one year from the legislative effective date, April 14, 2011. The Commission must complete this task by April 13, 2012.

The Commission proposes to amend R12-4-304 to implement recently passed legislation. The Commission submits this rulemaking to the Secretary of State's office in accordance with the exemption authorized under item #4 of Executive Order 2011-05 State Regulatory Rulemaking Moratorium.

The Commission proposes to amend R12-4-304 to increase hunter opportunity by expanding allowable methods for the take of wild mammals, birds, and reptiles. Amendments are also proposed to make the rule less restrictive, increase clarity, and improve consistency with other subsections of the rule.

The Commission anticipates the rulemaking will benefit the public and AZGFD by encouraging the public to appreciate wildlife and the out-of-doors with the opportunity to lawfully use additional methods of take; the proposed amendments are aimed at encouraging family participation in hunting, fishing, and wildlife appreciation and developing long term, loyal customers. By design, it is part of the Commission's recruitment and retention strategy.

Proposed amendments include clarifying the use of crossbows, allowing the use of crossbows and bows drawn and held with an assisting device, reducing the standard pull weight for bows, allowing the take of mountain lion with a shotgun shooting shot, allowing the take of upland game birds and Eurasian Collared-doves with a pneumatic weapon, and allowing the take of coyotes and mountain lions with artificial light.

Notices of Exempt Rulemaking

In addition, changes are also made to ensure conformity to AZ Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements.

The Commission's believes the proposed rulemaking will benefit the regulated community and will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated.

7. **A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The agency did not rely on any study in its evaluation of or justification for the rules.

8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

9. **The summary of the economic, small business, and consumer impact, if applicable:**

Exempt under Laws 2011, 1st Regular Session, Ch. 133E, § 5(B).

10. **A description of the changes between the proposed rules, including supplemental notices, and the final rulemaking package (if applicable):**

Not applicable

11. **A summary of the public stakeholder comments made about the rulemaking and the agency response to the comments, (if applicable):**

The agency received the following public stakeholder comments regarding the exempt rulemaking:

Written Comment: October 28, 2011. The rule change for the taking of coyotes and lions by artificial light is great; hopefully it will help some of the prey population.

Agency Response: Thank you for your support.

Written Comment: October 28, 2011. I just read the proposed "rulemaking to amend R12-4-304" and see a serious problem with the one stated below. High powered rifle bullets will travel much farther than artificial light and if one cannot identify their back stop serious problems can result. Imagine two hunting parties approaching the same clearing from opposite directions. Hunting after dark should not be sanctioned due to safety concerns.

Agency Response: While hunters must identify safe shooting opportunities regardless of the time of day, night hunting with the aid of an artificial light has not resulted in unsafe conditions. Currently within AZ, raccoons may be hunted during nighttime hours with the aid of a light; in addition, other predators may be pursued in many western states at night with the aid of artificial lights. These hunting practices have not increased the rate or frequency of hunting accidents where currently legal. AZGFD does not expect problems to result from the implementation of this practice in AZ; however, additional safety information will be included in future outreach efforts by AZGFD.

Written Comment: October 28, 2011. Any idea on which units will have night hunting for coyotes? I was reading the update regarding the rulemaking and it indicated it may only be allowed in certain units. Since I live in Gilbert I am of course hoping 24B or 37 would allow this. Any information AZGFD can provide will be appreciated.

Agency Response: AZGFD appreciates your support. AZGFD envisions using this added management tool to encourage the harvest of predators within only those units where prey populations are below management objectives, such as units where pronghorn have substandard recruitment or in units with multiple bag limits for mountain lions (which in turn benefit species like bighorn sheep). This tool is not being recommended for implementation without consideration of both predator and prey species.

Written Comment: October 28, 2011. I feel that the use of artificial lights will be a bad idea due to the general public that there will be a large number of game and livestock shot because their eyes were seen in the light.

Agency Response: Artificial light during night hunting is used to illuminate the entire animal, not simply to elicit "eye shine." Just as with hunting during daylight hours, hunters will be responsible for identifying their target and making decisions that ensure errors are avoided; violators will be cited. Additional safety information will be included in future outreach efforts by AZGFD.

Written Comment: October 28, 2011. What exactly needs clarification concerning the use of crossbows under Article 3? It seems to me that the current regulation is quite clear. Would you please explain what the proposed changes and/or wording is the current regulation? My phone and e-mail is filled with messages from sportsman who are under the impression that AZGFD is considering allowing crossbows to be used in any and all archery only hunts regardless if the hunter has crossbow permit under R12-4-216.

Agency Response: AZGFD is recommending consistency in the use of crossbows. For instance, currently crossbows may be used during general or handgun, archery, and muzzleloader (HAM) seasons for deer, javelina, and mountain lion, but cannot be used for antelope, bear, and bighorn sheep unless you have a crossbow permit. AZGFD is not proposing crossbows (or draw-locks) as legal weapons during an archery hunt (unless you have the required permits),

Notices of Exempt Rulemaking

but to allow their use during a general or HAM season without an additional permit. Finally, the clarification also extends to including the use of any feature on a standard bow that allows it to be held in the drawn position with mechanical assistance as a crossbow.

Written Comment: October 28, 2011. My only concern is with the changes regarding crossbows and bows that are held back mechanically. It's not clear if they would be allowed during archery seasons (Big Game). I would not have a problem with the proposed crossbow changes as long as they are not applied to archery only big game seasons (except for disabled hunters unable to draw a regular bow as currently allowed). I would hate to see crossbows and draw-lock type bows allowed during regular archery big game seasons, especially if the goal of the rule change would be to increase hunter opportunity. I feel that the over the counter archery deer and turkey tags offer an incredible amount of hunter opportunity. I regularly take part in these hunts and enjoy the opportunity and long seasons even though I've yet to harvest an animal using archery equipment. Allowing crossbows during the archery seasons may increase hunter opportunity in the short term by attracting younger hunters and women who may be unable to pull back the 40 lb minimum draw weight of a regular bow (I think the proposal to reduce the minimum weight to 30 lbs would address this issue nicely). It may also attract hunters who have no time or interest in learning to shoot a regular bow (traditional/compound) or hunters who would abandon regular archery equipment in favor of a tool that would give them a greater chance for success. The increased hunter success associated with crossbows etc. would cause over the counter hunts to be converted into draw hunts and hunter opportunity would be reduced in the long term. Regarding archery only draw hunts, I think that increased success rates associated with crossbows etc. again would lead to fewer archery permits being issued and further reduce hunter opportunity.

Agency Response: AZGFD is recommending consistency in the use of crossbows. For instance, currently crossbows may be used during general or handgun, archery, and muzzleloader (HAM) seasons for deer, javelina, and mountain lion, but cannot be used for antelope, bear, and bighorn sheep unless you have a crossbow permit. AZGFD is not proposing crossbows (or draw-locks) as legal weapons during an archery hunt (unless you have the required permits), but to allow their use during a general or HAM season without an additional permit. Finally, the clarification also extends to including the use of any feature on a standard bow that allows it to be held in the drawn position with mechanical assistance as a crossbow. Thank you for your support of reducing the draw weight.

Written Comment: October 28, 2011. Submitted by Rob Potter on behalf of the Shoot Right Airgun Jr. and Adult Shooting Club. AZGFD, we in the airgun world like to be able to hunt all small, med and large AZ game and Varmints that any bow or muzzle loader can hunt? We airgunners would like to be able to hunt in AZ anything Bow hunters and Muzzle loaders can hunt. We have on our AZ Airgun shooting club Facebook page links to hunts that airgunners have hunted, we even added a link of the different calibers that airguns come in. AZGFD, we airgunners know of and do thank you for letting us hunt for following: upland game birds, Eurasian collared, cottontail rabbits, and tree squirrels. We airgunners that have big bore airgunners have airguns to big to shoot most small game and small varmints. These airguns we have rival the airguns Lewis and Clark had and used to take game during their expedition. We airgunners have airguns that can ethically take any deer or elk/ AZ large game we are here to propose airguns/pneumatic weapons be rated by caliber for the following category's to hunt all AZ Small, Med and Large game and Varmints. You can find info about airgun hunts on our [Facebook page](#) you would need to scroll down and watch links and you may have to click old posts to see them all. AZGFD, we airgun hunters would like to propose that we can hunt with airguns/pneumatic weapons for all AZ small, medium, large game and varmints in these following categories. We would like to propose to hunt with .177-58cal airguns/pneumatic weapons to take all small game and varmints; propose to hunt with 25 cal-58cal airguns/pneumatic weapons to take all medium game and varmints; propose to hunt with 38 cal, 9 mm, 357 cal, 308 cal, 45 cal, 50 cal and 58 cal. airgun/pneumatic weapons to take all large game and varmints. AZ would join five other states that allow airgunners the same equal rights to hunt as any bow, firearm or muzzle loader.

Agency Response: While there have been substantial improvements in the accuracy and power of many pneumatic weapons, AZGFD will require more time to evaluate their overall efficacy and availability before we can recommend adopting them as a method of take for wildlife. AZGFD recommends that the evaluation of this suggestion be deferred to consideration during the Article 3 regular rulemaking.

Written Comment: October 28, 2011. Will crossbows be allowed during "Archery" hunts?

Agency Response: The intent of the proposed rule is not to allow greater use of crossbows during archery-only seasons, but it will continue to allow their use by properly permitted hunters during archery-only seasons. The intent is to clarify the use of crossbows during general and handgun, archery, and muzzleloader (HAM) seasons.

Written Comment: October 28, 2011. I am a 78 year old hunter and have lived in AZ for 52 years. I have hunted all my life. Any plan which allows shooting at Mountain Lions with a shotgun loaded with shot borders on the insane. I liken this to hunting elephants with a twenty two rifle. I think AZGFD has suffered enough embarrassment in the last few years, not to mention the loss of faith of many of AZ hunters and the general public. I have always felt that the job of AZGFD is to effectively manage our wildlife in the best interest of all. To listen to all the petty individual desires of the public is not the way to do this. What does the general public care if Joe Smith wants to put his boat in Rose Canyon Lake on a certain day of the week? What good is a tiny lake covered with too many people. I doubt if my opinion counts for much as it sounds as if the primary agenda for AZGFD is to make anyone with a simple minded selfish request happy at a cost to the general public. What will the excuse be when someone's fine bird dog is

Notices of Exempt Rulemaking

killed by a mountain lion crippled by a shotgun who is unable to hunt anything else? If this is the way AZGFD continues to be directed, I guess my only salvation is that I am old and my hunting days are nearly over. Very sad indeed.

Agency Response: Hunters often use shotguns shooting shot to take predators that respond to calls and approach concealed hunters to within close proximity. Hunters often prefer this hunting method because, at close range, shotguns shooting shot are very effective at taking predators and little damage to the hide is inflicted with the shot. Occasionally, mountain lions are inadvertently taken with the use of shotguns shooting shot and the hunter is cited for illegal take. The proposed amendment to rule is unlikely to substantially increase take, while making it legal to harvest a mountain lion using a method that is effective at close range, regardless of shot size.

Written Comment: October 28, 2011. I have read the "Notice of Exempt Rulemaking to amend R12-4-304" and approve of the contents of the rule with one significant exception. Please add falconry as an approved method of take for turkey. Turkeys are a commonly taken prey species for raptors in many states. While details of season, limits, etc., would need to be worked out by Commission Order, this would put in place the ability for falconers to eventually take turkey with raptors. Please let me know if there is any reason that this cannot be implemented.

Agency Response: Although falconry is a legal method of take for turkeys in many states, turkeys are as big as or bigger than most raptors used in falconry. Inadvertent wounding of turkeys is likely to be as common as successful harvest, there is little demand for this activity, and AZGFD does not believe that raptors should be included as a legal method of take for turkeys.

Written Comment: October 28, 2011. In regard to the Notice of Exempt Rulemaking to amend R12-4-304, I am against the use of dogs for use in taking furbearing animals. Dogs have a tendency to overrun other hunters in the field and disturb other wildlife. In OR where I'm from, this happened to me year after year. It will definitely decrease the quality of hunting of other species during and around the same time.

Agency Response: The use of dogs to pursue predatory and furbearing animals, small game, and nongame animals is already legal, but is somewhat unclear in rule. The intent of the amendment is to clarify the already legal practice of using dogs to pursue these species. We do not expect an increase in the use of dogs to pursue these animals as a result of this proposed amendment to rule.

Written Comment: October 28, 2011. I am in favor of allowing the hunting of mountain lion and coyote in artificial light. From dusk to dawn. I am also in favor of hunting turkey and javelina with a rimfire gun.

Agency Response: Thank you for your support.

Written Comment: October 28, 2011. I want to thank AZGFD for being receptive to the public's input. I am in agreement with the items outlined below, as directly taken from the e-mail I received from AZGFD. Clarifying the use of crossbows is a great idea as it reduces confusion. Allowing crossbows and bows that are drawn and held with an assisting device for the take of specific wildlife is a great idea and will provide more opportunity. Technology has advanced significantly on crossbows. Reducing the minimum standard pull weight for bows is in line with advancements in technology and is a reasonable decision. Allowing the take of mountain lion with shotgun shooting shot will provide better opportunity to predator hunters. Shotguns shooting shot can effectively and humanely harvest predators. Allowing the take of coyotes and mountain lions with artificial light is a great idea. Many states already do this and have done it with safely being paramount. Allowing an individual to use dogs as a lawful method to take predatory and furbearing animals, small game, and nongame mammals is also a great idea. Many states already do this and I am surprised it has taken us so long.

Agency Response: Thank you for your support.

Written Comment: October 28, 2011. Having been an avid bow hunter in AZ for 18 years I have not seen any confusion with the current regulations around the use of crossbow. I feel current wording suffices. I am open to hearing what is the proposed language that is to be modified and/or added for clarity? That might adjust my support of such recommendation. I'm not against the use of cross bows nor anyone that has that special use permit during archery only hunts to be able to use a standard bow with a "hold at draw" assist type product, what I'm worried about is the wording that would make it that everyone can use a "hold at draw" assist type product during archery only hunts. I'm not in support of such wording that allows those without cross bow permits to use standard bows with devices that hold a standard bow at any level of draw, be it 3/4 or full draw. I support lowering the draw weight for bows, but only by five lbs of draw weight from current minimum restrictions that are in place. I support allowing shotgun for take of mountain lion, but request that a minimum shotgun shot size be required for take. I do not support the use of a rimfire for the take of javelina, but I do support the use of a rimfire for take of a turkey. A question please, is this for fall turkey or spring? I do not support allowing rimfire for spring turkey hunting and feel current limitations should be kept in place for methods of take on spring turkey. I support the recommendation allowing the take of upland game birds and Eurasian collared doves with a pneumatic weapon. I support the recommendation for allowing the take of cottontail rabbits, tree squirrels, upland game birds, and Eurasian collared doves with pneumatic weapons and hand-held projectiles. I support the take of coyotes with the use of artificial light. I do not support the take of mountain lions with the use of artificial light. I do not support the recommendation for allowing an individual to use dogs as a lawful method to take predatory and furbearing animals, small game, and nongame mammals. I do not support classifying the Raymond Wildlife Area as a GMU. I'd like to see archery tackle permitted when hunting buffalo on the Raymond Wildlife Area.

Notices of Exempt Rulemaking

Agency Response: AZGFD is recommending consistency in the use of crossbows. For instance, currently crossbows may be used during general or handgun, archery, and muzzleloader (HAM) seasons for deer, javelina, and mountain lion, but cannot be used for antelope, bear, and bighorn sheep unless you have a crossbow permit. AZGFD is not proposing crossbows (or draw-locks) as legal weapons during an archery hunt (unless you have the required permits), but to allow their use during a general or HAM season without an additional permit. Finally, the clarification also extends to including the use of any feature on a standard bow that allows it to be held in the drawn position with mechanical assistance as a crossbow.

Current technological advances in bows and arrows has increased the effectiveness of this hunting tackle and reducing minimum draw weights from 40 to 30 lbs should not diminish their efficacy.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

The use of dogs to pursue predatory and furbearing animals, small game, and nongame animals is already legal, but is somewhat unclear in rule. The intent of the amendment is to clarify the already legal practice of using dogs to pursue these species.

Raymond Wildlife Area is not being replaced by a Game Management Unit description, but it is important to recognize that the bison that occupy Raymond Wildlife Area may range throughout portions of Units 5A and 5B. Again, this is designed to clarify where the use of specific weapons during particular hunts are allowed and does not change any unit or wildlife area boundaries. Further, hunts for bison that occupy Raymond Wildlife Area that may range throughout Units 5A and 5B present specific challenges which influence the effectiveness of archery equipment.

Written Comment: October 28, 2011. I support the use of crossbows; this would allow people like women, who may not have lots of upper body strength needed to hunt large game with regular bows to now go bow-hunting for animals like elk. I do not support night hunting for coyotes and mountain lions- I believe this creates ethical and safety problems, in addition to possibly increasing poaching.

Agency Response: AZGFD appreciates your support of the proposed amendment on the use of crossbows, but their use would be limited to general and handgun, archery, and muzzleloader (HAM) seasons and would not allow their use during archery-only seasons unless the hunter qualified for special permits.

The use of artificial light to aid in the hunting of coyotes and mountain lions is designed to allow AZGFD to recommend hunts that may benefit various prey species that are below management objectives. While hunters must identify safe shooting opportunities regardless of time of day, night hunting with the aid of an artificial light has not resulted in unsafe conditions elsewhere. Currently within AZ, raccoons may be hunted during nighttime hours with the aid of a light, and other predators may be pursued in many western states at night with the aid of artificial lights. These hunting practices have not increased the rate or frequency of hunting accidents where currently legal. We do not expect problems to result from the implementation of this practice in AZ, although additional safety information will be included in future outreach efforts by AZGFD.

Written Comment: October 28, 2011. I am in receipt of your recent e-mail and feel compelled to respond. There are so many larger issues that need to be addressed statewide that the list of items in the e-mail surprises me. If to allow shooting "shot" for the legal take of a mountain lion you must restrict the shot sizes so hunters do not select a size that is too small. I would recommend that "lead shot of number 4 buckshot or larger be used." "Larger" refers to the physical size of the individual pellet not the "shot number." I would also not allow steel shot. Ammunition similar to Hevi-shot "Dead Coyote" would be allowed. This will hopefully eliminate unnecessary animal suffering and potential injury caused by a very large wounded cat. I cannot believe that AZGFD is considering rimfire "handguns" as a legal means of "take" for javelinas and wild turkeys. I fought for months a number of years ago when Leonard Ordway was pushing to drop the use of centerfire rifles during our fall turkey hunts. Mr. Ordway stated over and over to me that there was not a poor safety record here in AZ due to the use of centerfire rifles during the fall turkey hunts. I never received a satisfactory response from Leonard that even came close to justifying the prohibition of centerfire rifles. At the time and I still do believe that use of "shotguns firing shot" is a terribly crippling option for hunting fall wild turkeys. I feel you are just feeding the coyotes with a tremendously inferior (from a ballistic sense) firearm choice. If you are to propose the use of rimfire handguns for turkeys will you then, once again, allow centerfire rifles. Logic would indicate, 'yes.' I feel that the use of any rimfire ammunition for wild turkeys and javelinas to be a crippling proposition. I believe currently that .22WMR and 5mm Remington rimfire ammunition are allowed in rifles for javelina hunting. I consider this far too light and both should be rendered illegal. I personally have taken more than 15 javelinas in AZ since 1989. I have used a bow, handgun, centerfire rifle and muzzleloaders. I further have seen many javelinas soak up a lot of lead and keep going, never to be collected and tagged. You owe it to the game population to control the methods of take so animals are taken quickly and in a humane fashion. Going the direction you propose for wild turkeys and javelinas is the wrong direction.

Agency Response: Hunters often use shotguns shooting shot to take predators that respond to calls and approach concealed hunters to within close proximity. Hunters often prefer this hunting method because, at close range, shotguns shooting shot are very effective at taking predators and result damage to the hide is inflicted with the shot. Occasionally, mountain lions are inadvertently taken with the use of shotguns shooting shot and the hunter is cited for illegal take. The proposed amendment to rule is unlikely to substantially increase take, while making it legal to harvest a mountain lion using a method that is effective at close range, regardless of shot size.

Notices of Exempt Rulemaking

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

Written Comment: October 28, 2011. Please amend the rules to allow suppressors on firearms used for hunting. They drastically help reduce hearing loss to sportsmen and children. Many other states allow the use of suppressors while hunting and they are legal to own in AZ.

Agency Response: Noise suppressors (silencers and muffling devices) are currently prohibited under A.R.S. § 17-309(10). A legislative amendment is required before noise suppressors may be used for the take of wildlife.

Written Comment: October 29, 2011. My family and I are in favor of rule changes which would allow crossbows to be used by anyone during archery seasons and the use of rimfire weapons to be used to take turkey. Several other states already allow these methods of take during these seasons seemingly without any negative effects. In fact, most non-hunting individuals would probably be more receptive to the idea of fewer firearms in use no matter what the purpose. Decreased restrictions on the use of crossbows would have such an effect. While a crossbow may be easier to use than a regular bow because they are configured somewhat like a firearm, they really don't have that much increase in range particularly when compared to a modern compound bow. I also believe that TX also allows turkey to be taken with firearms chambered in .22 Long rifle calibers. With recent advances in modern ammunition, .22 LR caliber weapons shoot at velocities, and have similar stopping power, as .22 Magnum caliber weapons. .22 LR caliber weapons are more common and the ammunition is considerably less expensive which would allow more persons to apply for these permits. Increased applications would also result in increased revenue for AZGFD. As an agency that is not tax revenue funded, (most people aren't aware of that fact), I believe it would be prudent to at least consider allowing the use of .22 LR caliber weapons for taking turkey.

Agency Response: AZGFD is recommending consistency in the use of crossbows. For instance, currently crossbows may be used during general or handgun, archery, and muzzleloader (HAM) seasons for deer, javelina, and mountain lion, but cannot be used for antelope, bear, and bighorn sheep unless you have a crossbow permit. AZGFD is not proposing crossbows (or draw-locks) as legal weapons during an archery hunt (unless you have the required permits), but to allow their use during a general or HAM season without an additional permit.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

Written Comment: October 29, 2011. Please include my comments in strong support of the changes to R12-4-304 that clarify that pursuit with dogs for cottontail rabbits, tree squirrels, upland game birds, and birds is a lawful activity. I am also in strong support of clarifying language that makes it legal to use dogs as a lawful method to take predatory and furbearing animals, small game, and nongame mammals.

Agency Response: Thank you for your support.

Written Comment: October 29, 2011. It's not clear if this is affecting archery only hunts. Will the changes allow anyone to use a crossbow without permit during archery only hunts? I am not in support of such changes during archery only hunts. But if it's only for general hunts (rifle or muzzleloader) I would support anyone opting to use a crossbow during those hunts to do so. I want to express that I am not in support of allowing crossbows to be used by anyone for take of big game species. I support AZGFD continuing to use the Crossbow permitting process.

Agency Response: AZGFD is recommending consistency in the use of crossbows. For instance, currently crossbows may be used during general or handgun, archery, and muzzleloader (HAM) seasons for deer, javelina, and mountain lion, but cannot be used for antelope, bear, and bighorn sheep unless you have a crossbow permit. AZGFD is not proposing crossbows (or draw-locks) as legal weapons during an archery hunt (unless you have the required permits), but to allow their use during a general or HAM season without an additional permit.

Written Comment: October 29, 2011. I'm opposed to allowing the take of coyotes and mountain lions with artificial light. Antelope and mule deer are a natural food source. Coyotes and mountain lions should not be killed just so there are more antelope and mule deer for the hunters to kill. That is not fair or moral.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: October 29, 2011. I would like to say that I am in favor of all of these rule amendments, especially the proposed amendment regarding the use of artificial light on coyote and mountain lion. I have been varmint hunting for many years now and more than half of my hunting is for people who have chickens, cats, or other animals getting killed; they call me to help get rid of the coyotes. These coyotes are not likely to come in when I am calling,

Notices of Exempt Rulemaking

because they are feeding well off of the animals they are killing, at night. The use of the artificial light would help me to eliminate the problem and provide good fur too.

Agency Response: Thank you for your support.

Written Comment: October 29, 2011. Please note that as a resident AZ hunter, I am opposed to any clarifications or changes regarding the use of crossbows. If I want to live in TX to take advantage of rules implemented to please crossbow manufacturers, and African style hunting that is reserved for the rich and powerful who can afford it, I will move there. Please don't bend our state's rules to suit some rich crossbow manufacturers with persuasive lobbyists. The rules are fine. Crossbows are evil. Leave them alone and don't change or "clarify" anything to give them a foothold.

Agency Response: The intent of the proposed clarification is to increase consistency and reduce confusion. AZGFD does not believe that crossbows to be more efficient hunting methods than are centerfire or muzzleloading firearms. AZGFD does not recommend any amendment in response to this comment.

Written Comment: October 30, 2011. In reading the proposed amendments to R12-4-304, the striking of the wording "For individuals holding a crossbow permit issued under R12-4-216" appears to make the use of crossbows legal without having the disability crossbow permit. If these changes are approved, for what species and hunt seasons (general/muzzleloader/HAM/archery) will the use of crossbows be allowed by a non-disabled hunter?

Agency Response: The proposed rule amendment will uniformly define "crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than inch in width with metal cutting edges" as being a lawful method to take all big game species. The proposed amendment will also uniformly define "bows to be drawn and held with an assisting device" as a lawful method to take all big game species.

The existing rule requires a crossbow permit for the take of antelope, bear, bighorn sheep, buffalo, and elk. The existing rule does not require a crossbow permit for the take of deer, javelina, mountain lion, or turkey. The proposed amendment will improve consistency among Department rules and reduce confusion by allowing the use of crossbows for all big game species. For example, under the proposed amendments, an individual may use a crossbow to take any big game species during a general or handgun, archery, and muzzleloader (HAM) season without having to first determine whether a crossbow permit is required.

Restrictions for the use of a crossbow during "archery only" seasons will remain unchanged. Basically, this means that a crossbow or a bow that is drawn and held with an assisting device shall not be used during archery-only hunting seasons, unless the individual possesses a valid crossbow permit, issued under R12-4-216; which requires individuals applying for a crossbow permit must provide a statement from an M.D. that affirms that the applicant for the permit has a permanent disability of at least 90% impairment of function of one arm.

Written Comment: October 31, 2011. In reference to the changes to R12-4-304, I agree with all the changes mentioned. R12-4-304 makes several references to prohibition on the use of firearms at night. I would recommend that AZGFD allow the use of firearms at night for the taking of non-game species (feral hogs). They will also come to predatory game calls after dark. This would be a benefit as they are detrimental to wildlife habitat.

Agency Response: Thank you for your support. Feral hogs are not classified as wildlife by state statute and therefore hunting licenses tags issued by the AZGFD Commission, Commission Orders, and Commission Rules do not regulate the taking of these animals.

Written Comment: October 31, 2011. I support each of these items and would like to see them placed into law and made effective as soon as possible. I would also like to see some trapping laws adjusted to help with the coyote populations as well. Leg-hold traps should be allowed on public land. Restrictions should only be placed around populated areas. The regulations should also be changed to allow trappers to only have to check traps once every 72 hours. This would allow more trappers to hit the fields and eliminate more predatory animals that harm our antelope, bighorn, and mule deer populations.

Agency Response: Thank you for your support. Amendments to statute, specifically A.R.S. § 17-301(D), would be necessary to address your suggested change. The Commission does not have the authority to change statutes. Such a change would need to be addressed through legislation or initiative.

Written Comment: November 2, 2011. I like the proposed changes. Please revisit the rule on suppressors. My hearing is disappearing (like many other shooters/hunters). Based on my hunting experiences in AZ, I feel suppressor use would not change the hunt for hunter or game - with the exception of protecting the hunter's (and bystander's) hearing.

Agency Response: Thank you for your support. Noise suppressors (silencers and muffling devices) are currently prohibited under A.R.S. § 17-309(10). A legislative amendment is required before noise suppressors may be used for the take of wildlife.

Written Comment: November 3, 2011. I am a 3rd generation Arizonan and a life time hunter. I am in strong support of your new proposed rules for the taking of lions with shotguns shooting shot. I predator hunt hundreds of hours each year in AZ. I see lion tracks quite often, but have yet to call in or see a lion on these hunts. So, I don't believe that this new rule will have much of an effect on the lion population in AZ. It will also mean I don't have to pack my rifle

Notices of Exempt Rulemaking

along with my shotgun “just in case” I see a lion. I am also in strong support for night hunting for predators as a game management tool, particularly as a means of protecting young deer, elk, antelope, etc.

Agency Response: Thank you for your support

Written Comment: November 3, 2011. I, my wife and child, are all hunters and we reasonably believe, like AZGFD, that given the technology of pneumatic weaponry at present, these game animals may be ethically and effectively harvested by these methods. We support a change in the Rules which would permit such taking.

Agency Response: Thank you for your support

Written Comment: November 3, 2011. I would like to see this pass for coyotes and mountain lions.

Agency Response: Thank you for your support.

Written Comment: November 3, 2011. I have used both crossbow and bow and arrow and I have no problem with crossbows being used during general seasons, but the difference between having to manually draw and hold a bow versus just pulling the trigger on a locked crossbow is huge. If you include the crossbow in archery seasons the success rate will increase and my bow hunting opportunity will decrease. Because of this I oppose the use of crossbows during archery seasons.

Agency Response: The intent of the proposed rule is not to allow greater use of crossbows during archery-only seasons, but it will continue to allow their use by properly permitted hunters during archery-only seasons. The intent is to clarify the use of crossbows during general and handgun, archery, and muzzleloader (HAM) seasons.

Written Comment: November 3, 2011. I would like to say that I support the proposal to allow taking predators (coyotes and lions) with artificial light from dusk to dawn. There are many valid reasons to allow this practice which is, by the way, also allowed in other states. Along with the factor listed in the e-mail, I would add that daylight hours are shortest in the winter when these furbearers’ pelts are at their prime. And that hunting becomes difficult just after dawn, especially around urban areas, when the ATV sportsmen unload their quads and motorcycles and begin their noisy assault on certain areas such as state trust land in which hunting is also allowed.

Agency Response: Thank you for your support.

Written Comment: November 3, 2011. I am in full support of the proposed rules changes and hope that they will become a reality. The lion and coyote toll on our state’s wildlife is horrific. If we do not make these kinds of changes our children and grandchildren will never be able to have hunting big game be part of their heritage and traditions.

Agency Response: Thank you for your support.

Written Comment: November 3, 2011. Please allow me to voice my support for amendments on the agenda today. In particular night hunting for coyotes and lions. It may be necessary to allow nighttime hunting of fox, bobcat, lions and coyotes together as a group as hunting is often done using calls and all such come to the common calls used. Also, regarding the use of dogs, I also voice my support for all the proposed changes/amendments. May I suggest that for hound hunting of bears, due to the unique nature of unit management by number of sows killed, that hounds men be delayed for seven days from opening day of season to allow less efficient hunters an opportunity. Hounds men are very effective and they can often close a unit very quickly. Additionally, their hunt tends to prevent the use of spot and stock or calling to some extent as the hounds are often quite noisy. I’m not suggesting that we stop using hounds for bear in AZ as I think they are a great part of that tradition. I’m just suggesting that since we use time limited seasons with over the counter tags, the hound season open a week later to allow for other hunting methods before the units close.

Agency Response: R12-4-304 only establishes the methods that may be used for the take of specific wildlife; it does not establish when those methods may be used. Delaying the use of hounds for seven days from the opening day of season will require an amendment to R12-4-318. AZGFD is considering amending R12-4-318 to allow the Commission to restrict the use of dogs in certain game management units. AZGFD appreciates your support for the amendment allowing the use of artificial light for the take of coyote and mountain lion.

Written Comment: November 3, 2011. I am in full support of the proposed rules changes and hope that they will become a reality. The depredation on our large game herds by the lion and coyote in our state is horrific. If we do not make these kinds of changes our children and grandchildren will never be able to hunt large game as part of their heritage or family traditions. I also support the taking of game with pneumatic firearms, rimfire firearms, and crossbows. In addition, I support the draw weight reduction for bows. I also support the taking of game with the aid of dogs. What greater joy can be found, than a father and son spending time together, training a dog and then being able to harvest game with an animal whose genetics are programmed for locating game.

Agency Response: AZGFD appreciates your support; however, the Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

Written Comment: November 3, 2011. I feel it is time we open up both. As for night hunts for coyote versus poaching deer etc., I feel people will poach deer one way or another. As for shotgun taking lions I feel it should be limited to #4 buck or larger.

Agency Response: AZGFD appreciates your support for artificial light and shotgun for the take of mountain lion.

Notices of Exempt Rulemaking

Written Comment: November 3, 2011. I fully support the changes proposed by AZGFD. I think harvesting a lion with a shotgun is not only ethical but practical. I think allowing the hunting of coyote and lion at night is an overdue change. It will give more opportunity to harvest predators that are difficult to manage. I also support lowering the poundage requirement for archery equipment. It would make it easier for my fiancé to hunt with me. I feel like her bow is very lethal at even its lowest poundage. Finally, I think there should be a change that would allow hunting deer in metropolitan units during the first archery hunt. I don't understand why we can hunt there in December/January but not the early hunt. For those of us in Tucson and Phoenix it would really nice to hunt closer to home.

Agency Response: The does not limit AZGFD's ability to offer hunting opportunity within metropolitan units. Timing of archery hunts is regulated through hunt guidelines and Commission Orders; your comment is being forwarded for consideration through that process. Thank you for your support.

Written Comment: November 4, 2011. I encourage passage of the proposed to amend R12-4-304 in total. This would potentially allow more citizens to participate in the great outdoors we call AZ.

Agency Response: Thank you for your support.

Written Comment: November 4, 2011. I wanted to endorse the proposed changes to AZGFD Commission rules to enhance and expand the hunting opportunities and to get more hunters out in the field.

Agency Response: Thank you for your support.

Written Comment: November 6, 2011. I just learned that AZGFD is considering allowing night hunting of coyotes and mountain lions. I am shocked that this is even being considered. This a safety concern for residents and their pets. Additionally, these predators play an important part in our delicate desert ecosystem. As a lifelong AZ desert dweller, I respectfully ask that AZGFD say "no" to night hunting.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 6, 2011. Are you kidding me? Night hunting is an awful idea. It puts animals at a ridiculous disadvantage; lights blind the animals and make them very skittish and unpredictable to say the least. And when you factor in the extreme possibility of someone shooting into the night hitting an innocent person or domestic animal, you would have to be insane to even consider this activity. Also, even though you don't want to admit it, many hunters are not exactly 'bright.' How does night hunting figure into that equation? Please don't consider this; you are asking for trouble and showing no compassion for animals. AZGFD has to be smarter than this?

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 6, 2011. I'm writing today to tell you that I think night hunting is a very bad idea because it will make it more difficult to prosecute poachers, it's difficult to identify target species at night, and it's unsafe. Night hunting will put campers, hikers, and their pets at risk. In addition, predators play an important role in the ecosystem. Please do not allow this dangerous practice.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also

Notices of Exempt Rulemaking

apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 6, 2011. I believe this is an atrocious idea. Less coyotes equal more rodents running around. Artificial lights and noisy hunters will disrupt the cycle of all animals.

Agency Response: AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. AZGFD does not anticipate any negative implications associated with changes in rodent abundance.

Written Comment: November 6, 2011. There are plenty of daylight opportunities for where hunting is necessary. Please don't allow hunters to use artificial lights. To do so could easily create a situation that presents many problems. It is not a good idea to allow night hunting for various reasons: A) predators such as mountain lions, pumas, jaguars, bobcats, coyotes, and bears are endangered species and therefore should not be killed or hunted; B) predators play a vital role in maintaining the ecosystem by eating deer and other prey they play a vital role by controlling wildlife populations. In other words, they keep the food chain balanced and the vegetation healthful. Therefore, they benefit us, unless you want more deer and car collisions; C) in today's society, we're more likely to be killed, captured, or stolen by another human or hit by lightning than be killed by a predator; D) it is against my religion. God put them on this Earth for a good reason, not for us to kill them. As stated in his 6th commandment, "Thou shalt not kill." Every devout Christian, Jew, and Muslim would agree because their religions follow this principle; E) it would be difficult to monitor since it's dark at night time; F) when I'm camping, driving, or walking, I don't want to be disturbed by gun shots. Even worse, I do not want to be caught in gunfire and end up dead. Please do not permit night hunting because these predators shouldn't be killed, hunted, captured, or stolen in the first place.

Agency Response: The proposed changes regarding the use of artificial light apply only to coyotes and mountain lions. Neither of these are listed as endangered or threatened species. The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 6, 2011. It has come to our attention that AZGFD is considering a proposal to allow night hunting. We believe this is a very bad idea. It will make it more difficult to prosecute poachers, and it's unsafe as it's difficult to identify target species at night. This can put campers, hikers, and their pets at risk. This proposal would target coyotes and mountain lions, both play an important role in the ecosystem. Please do not allow this proposal to pass.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 7, 2011. This is an urgent plea to reject night hunting. It is potentially dangerous and a ridiculous concept. There are enough day-time hours to slaughter wildlife in the name of "sport." Your people need to be reminded that our wildlife is not the exclusive property of those who want to kill it.

Notices of Exempt Rulemaking

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours.

Written Comment: November 7, 2011. Please accept this message as my strong opposition to “night hunting.” It is not sportsmanlike nor is it safe for people and their pets. There are plenty of daylight opportunities for hunting when necessary. Please don’t allow hunters to use lights. To do so could easily create a situation that presents many problems.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours.

Written Comment: November 7, 2011. This letter is in reference to the rule changes that may occur in the near future. First of all, I am not a hunter, but I do appreciate wildlife and animals. I am a veterinarian and I treat animals daily. I also volunteer at a wildlife rehabilitation center. I enjoy nature and what it has to offer. The rulemaking states, “the Commission anticipates the rulemaking will benefit the public and AZGFD by encouraging the public to appreciate wildlife and the out-of-doors with opportunity to lawfully use additional method of take.” The additional method of take means additional methods of killing. In my opinion, that is a statement contrary to my beliefs as well as most AZ residents. Most people that live in AZ are not hunters. In fact, a very small percentage of Arizonan’s are hunters. There are many more that enjoy the outdoors that don’t have to kill animals to accomplish this. The rule that really disturbs me is the use of artificial light to allow night hunting of mountain lion and coyote. It could encourage poaching and be somewhat dangerous. There are enough of these animals are killed by the methods already in place. The use of dogs in any form, in my opinion, is inhumane for both the dog and the animal being hunted. I hope the Commission takes into consideration what the majority of AZ people want and not just the hunters. Most of the people in AZ are not hunters and care deeply for the ecosystem and their environment.

Agency Response: AZGFD manages for the sustainability of all wildlife. The use of artificial light to aid in the hunting of coyotes or mountain lions will be recommended in a fashion to meet management objectives. AZGFD envisions using this added management tool to encourage the harvest of predators within only those units where prey populations are below management objectives, such as units where pronghorn have substandard recruitment or in units with multiple bag limits for mountain lions (which in turn benefit species like bighorn sheep). This tool is not being recommended for implementation without consideration of both predator and prey species.

Written Comment: November 7, 2011. I urge the Commission to reject this proposal. The Commission rejected a similar proposal in 2002 at the recommendation of AZGFD and many individual biologists who worked for AZGFD at that time. Very briefly, this proposal, if approved, sets a potentially dangerous precedent, not to mention the danger to unintended targets as well as the encouragement of poaching. Please reject this proposal as unnecessary and unnecessarily dangerous.

Agency Response: The night hunting concept that was considered 2002 varied greatly from today’s proposal. The night hunting concept considered AZGFD in 2002 proposed to open night hunting state-wide, for all wildlife species, without any limitations. With today’s proposal, AZGFD is taking a measured, conservative approach in implementing the legislation and will utilize an additional public process prior to launching any night hunt, Commission Orders. The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 7, 2011. I strongly support the proposed rule changes, especially the ability to take predators at night. In other states, I have done it many times with great success. I hope AZGFD will make a long season in all areas, not just a couple of weeks here or there and allow hunters to help deal with the huge problems we have here in AZ with too many coyotes.

Notices of Exempt Rulemaking

Agency Response: Thank you for your support.

Written Comment: November 7, 2011. I have been waiting for over eight years for this amendment to happen. In 2002, I had a triple bypass and since then have been unable to draw the string on my 50 lb bow. This new ruling will allow me to once again bow hunt with a draw locking device. Please make sure this new amendment passes.

Agency Response: Thank you for your support.

Written Comment: November 7, 2011. I am in favor of the rule changes that the Commission about pneumatic, crossbows, night hunting of coyotes and mountain lion hunting. Dale Burgess and I have a lifetime license and just had my fourth rotator cuff repair on my shoulders so the crossbow regulations really make me happy.

Agency Response: Thank you for your support.

Written Comment: November 8, 2011. I have a question on the crossbow section. With regard to big game, will crossbows be allowed during bow season, or just rifle? I have a crossbow, and if it can only be used during the rifle season. Well, personally, I'm not about to bother with the crossbow. I don't know of anyone who would do otherwise, do you? One other change I wonder about is the use of lights for coyotes and lions. I think it's a great idea with the increased number of both. My questions are, why don't you want the light to be connected to a vehicle? The reason I ask is, I have spotlights that run off the cigarette lighter of a vehicle, and others that have rechargeable batteries. The latter aren't worth much after a few minutes. Do you know of any that work better, that don't cost much? Also, how does this change work with not using firearms at night?

Agency Response: AZGFD is recommending consistency in the use of crossbows. For instance, currently crossbows may be used during general or handgun, archery, and muzzleloader (HAM) seasons for deer, javelina, and mountain lion, but cannot be used for antelope, bear, and bighorn sheep unless you have a crossbow permit. AZGFD is not proposing crossbows (or draw-locks) as legal weapons during an archery hunt (unless you have the required permits), but to allow their use during a general or HAM season without an additional permit. The proposal to limit the use of artificial light to those devices that are not attached to vehicles is consistent with existing statutes, rules, and orders that do not enable the take of wildlife with the aid of a vehicle. Many spotlights are capable of operating from batteries for long periods of time.

Written Comment: November 8, 2011. It is not clear as to what species can be hunted with crossbows, so I will put in my 2 cents for what it's worth. With the advances in modern technology, it has become possible for many bow hunters to be successful at taking big game with a compound bow. However, I am of the opinion that allowing the use of crossbows during the "bow" season will give hunters too much of an edge, and adversely affect the game population. I think with a special permit a crossbow should be allowed, but only for hunters with disabilities. I also believe 30 lbs is way too light for big game. If you can't pull 40 lbs, you're probably too young to hunt. Bow hunting is hard, that's why it's fun. If people like crossbows they can use them during the rifle hunt. Again, just my 2 cents.

Agency Response: AZGFD is recommending consistency in the use of crossbows. For instance, currently crossbows may be used during general or handgun, archery, and muzzleloader (HAM) seasons for deer, javelina, and mountain lion, but cannot be used for antelope, bear, and bighorn sheep unless you have a crossbow permit. AZGFD is not proposing crossbows (or draw-locks) as legal weapons during an archery hunt (unless you have the required permits), but to allow their use during a general or HAM season without an additional permit. Finally, the clarification also extends to the including the use of any feature on a standard bow that allows it to be held in the drawn position with mechanical assistance as a crossbow.

Written Comment: November 8, 2011. I believe that night hunting predators with artificial lights is far more cost efficient than spending thousands of dollars hiring professional hunters that shoot them from a helicopter. Night hunting predators with artificial lights to control fawn depredation could also allow AZGFD to make a little money by charging a small fee in addition to the regular hunting license for the use of artificial lights. Thirty years ago, I hunted predators in NV at night using artificial lights where allowed and never had problems with NV game and fish, police, or local residents. In fact, we were asked to help the local law enforcement in apprehending suspects that were shooting cattle and wild horses at night in Nye County. Also, the coyote population went way down.

Agency Response: Thank you for your support.

Written Comment: November 8, 2011. I am directly opposed to R12-4-304. AZ certainly has ample opportunity for the "taking" of wild animals without extending these opportunities to those proposed in the rule change. Are these changes considered "sport" in any fashion or shape of the word? Let's think about the reason behind these proposed changes and not let additional revenue guide destructive and unwarranted actions. Any "sportsman" who needs night hunting to "take" another trophy is as far from the intent of the word as possible. Maybe a slight language change is needed, perhaps "unrestricted depredation" for sportsman and "kill" for "take" would make things clearer.

Agency Response: AZGFD manages for the sustainability of all wildlife. The use of artificial light to aid in the hunting of coyotes or mountain lions will be recommended in a fashion to meet management objectives. AZGFD envisions using this added management tool to encourage the harvest of predators within only those units where prey populations are below management objectives, such as units where pronghorn have substandard recruitment or in units with multiple bag limits for mountain lions (which in turn benefit species like bighorn sheep). This tool is not being recommended for implementation without consideration of both predator and prey species.

Notices of Exempt Rulemaking

Written Comment: November 8, 2011. In reading the proposal to hunt both mountain lions and coyotes at night is unnecessary and a little frightening. People and other animals could be endangered by this type of hunting. I don't see why one can't hunt during the day light hours. I know these animals hunt at night, but I have seen many coyotes during the day. Unless they are truly a menace to society and can't be hunted during the day, I see no reason to pass this rule. There are too many people hunting without proper training or common sense and the thought of them with guns hunting at night is truly scary.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours.

Written Comment: November 8, 2011. I am a voter and I am deeply disturbed that night hunting for coyotes and mountain lions is being revisited. This is a horrible idea and you will end up with a bunch of drunken idiots out shooting each other, which is fitting however, but they may hit an innocent person or animal. There are not enough mountain lions to worry about and coyotes are in the middle of Ahwatukee. Will we have night hunting in Ahwatukee as well?

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. Urban areas, such as Ahwatukee will not even be considered. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 8, 2011. I think night hunting is a bad idea. It will make it more difficult to prosecute poachers and its unsafe as it is difficult to identify target species at night. This can put campers, hikers, and their pets at risk. Also, predators play an important role in the ecosystem.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 8, 2011. I am against the proposed rule changes that allow the use of dogs for taking predatory, furbearing, and small game. The exceptions being mountain lion or AZGFD supervised special management purposes. Reasons being; 1) this method will reduce the quality of the hunts for traditional sportsman as well as quantity of game unduly; 2) will cause unnecessary conflicts or disturbances in more popular areas; 3) inhumane kills and the many legal ramifications of such, including persons being injured by a predator not dispatched properly. I have personally called in mountain lion after days of work only to have dogs show up and lose it in some high cliffs or rugged terrain. Though I understand most must use them for lion, I was not very happy with them infringing on my quality time in the field or chasing away game I'd spent so much time and energy calling in. During one event near Williams, the guides running the dogs became aggressive when I brought it to their attention after finding them parked in my remote campsite. This type of event will only become more of an issue with these unneeded rule expansions. From a sportsman, conservationist, and legal perspective, the above mentioned rule changes would produce many negative impacts including many not noted, with few benefiting from them.

Agency Response: The use of dogs to pursue predatory and furbearing animals, small game, and nongame animals is already legal, but is somewhat unclear in rule. The intent of the amendment is to clarify the already legal practice of using dogs to pursue these species. We do not expect an increase in the use of dogs to pursue these animals as a result of this proposed amendment to rule.

Notices of Exempt Rulemaking

Written Comment: November 8, 2011. As a hunter for 37 years in AZ, I once had the opportunity to take a lion with shotgun and a 44 Super Red Hawk. I chose not to do that in the fact that I might wound the cat and or become an appetizer for its late evening snack. I see only wounding the predators with shotgun shooting shot and there for I would be against this allowable rule on record. Taking of Javelina and turkey with rimfire handguns. In the late seventies or early eighties AZGFD ruled out the weapon of choice the famous 22 mag 20 gage over and under. The reason being was that AZGFD saw an increase in wounded turkey with the 22 mag. A turkey is a very strong and powerful bird, with the wounding of them by the 22 mag that weapon was taken out of the allowed usable weapons of harvest. I support only taking turkey with shotgun and shot. In parallel with the turkey the Javelina is a powerful rodent also the rimfire gun would in my view would NOT be a wise weapon of choice for harvesting a Javelina. The rimfire just does not have enough power to harvest a hog.

Agency Response: The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

Written Comment: November 8 and 11, 2011. I would like to state my position on two topics: 1. Shotguns shooting shot for mountain lions; 2. The use of handguns with rimfire cartridges for javelinas and wild turkeys. In the next few days I will forward to you a hardcopy of my records search and results of my physical calculations for a number of handgun and rifle cartridges I feel suitable and unsuitable for hunting wild turkeys and javelinas in AZ. I am strongly opposed to the use of shotguns shooting shot for mountain lions unless restrictions are offered as to a minimum shot size and pellet material of construction. This may indeed become so complicated and burdensome that it may be simpler not to allow shotguns at all unless firing a single projectile (slug). I have been a resident of Tucson since 90/1985 and even more strongly oppose the use of handguns firing rimfire ammunition for the take of wild turkey and javelinas. In the past 26 years of hunting javelinas I have taken in excess of a dozen animals with handguns, archery equipment, lever action rifles, muzzleloaders and centerfire rifles. Many javelinas can be pretty tough and I have seen many soak up lead and keep on going never to be recovered and ultimately tagged. Further, I find it rather amusing that the Commission would consider such a "low energy" option (rimfire handguns) for wild turkeys when high-powered, centerfire rifles were banned for fall turkey use a handful of years ago? Wild turkeys and javelinas are still considered "big game" animals in AZ and are due the respect to choose suitable weaponry to ensure a rapid and humane take. It is also my understanding that both species are considered "recruitment" species for young, first-time hunters, but that should not negatively affect the proper choice of weaponry and ammunition. For handgun javelina hunting I personally would consider the .38 Special and 9mm Luger as the bare minimum cartridges and then only with proper bullet and load selection. I will later go on to recommend that the .17 HMR, the .22 WMR and 5mm Remington Magnum Rimfire not be allowed for turkey and javelina handgun hunting. I realize that the .22 WMR and 5mm Rimfire cartridges are currently allowed, but implore the Commission to also reconsider that. There are so many other good choices available, why take a chance with a cartridge that is so underpowered? Please be understanding that the three aforementioned cartridges were never intended for 20 lb turkeys or 60 lb javelinas. Executive Summary: The use of any rimfire ammunition in handguns should not be considered by the Commission for use on wild turkeys and javelina. It will be shown that it would be prudent to no longer allow (ban) the use of .22WMR and 5mm Remington RF Magnum ammunition in either rifles and/or handguns for the take of javelina. These conclusions based upon a formula used to determine Optimal Game Weight (OGW) which uses bullet mass and velocity to mathematically determine if a cartridge is powerful enough for a selected prey. Live weights of wild turkeys and javelina taken from the AZGFD web site. Multiple quotations from ballistic and technical authorities will be presented that consider the .17 HMR cartridge and the two rimfire cartridges listed above for use on animals the size of coyotes, bobcats and smaller varmints. These three rimfire cartridges were NEVER intended to be used on big game animals such as wild turkeys and javelina. Let us start with the live weights of wild turkeys and javelinas with values from the AZGFD web site. Wild Turkeys: Females 8 -12 lbs; Males 15-30 lbs; Javelinas: Females 50 lbs; Males 65 lbs. In order to estimate what cartridges would be effective and humanely "take" certain game animals in AZ some form of formula needs to be employed to take emotion and opinion out of the determination. Some ballistic formulae will weigh heavily on bullet mass and others on velocity. The determination of Optimal Game Weight (OGW) as presented by Edward A. Matunas in the 47th edition of the Lyman Reloading Handbook takes both bullet mass and bullet velocity into account in order to determine how large (represented in lbs) a game animal could be hunted with a given cartridge. I have exhaustively carried out the calculations for numerous handgun and rifle cartridges and the results are presented in the table included.

<u>Bullet weight (gr)</u>	<u>Cartridge</u>	<u>Pounds of target</u>
37	.22 Long Rifle	2
17	.17 HMR	3
38	5mm Rem Mag RF	7.3
40	.22 WMR	7.4
Wild turkey hen		8
158	.38 Special	8.5
Wild turkey hen		12
124	9mm Luger	14
200	.45 ACP	15
25	.17 Remington	27
260	.45 Colt	45
180	.357 Magnum	47

Notices of Exempt Rulemaking

Javelina sow		50
210	.41 Magnum	65
Javelina boar		65
240	.44 Magnum	66
32	.204 Ruger	52
60	.223 Remington	75
87	.250 Savage	136
100	6mm Remington	180
115	.25-06 Remington	238
140	.280 Remington	353
180	.30-06 Springfield	425
225	.35 Whelen	593

You can argue back and forth all you want about which is the best deer or elk cartridge, but what cannot be argued is what is at the bottom of the weight scale. The only conclusion that can be made is that the four rimfire cartridges listed in the table are not suitable for javelina or even wild turkey hunting in AZ. This based upon the mass or weight in lbs of the respective game animal. Moreover, I would also strongly recommend that the use of handguns with rimfire ammunition be no longer considered for use on wild turkeys and javelinas in AZ and further ban the use of rimfire cartridges in rifles for these big game species as well. Please review the additional written information provided. I would like to offer some quotations. November 7, 2011 11:30 am Hornady Technical Rep via phone: "The 17 grain .17 HMR load is intended for gophers, ground squirrels, prairie dogs and small rabbits. The 20 grain bullet could be used on coyotes and bobcats." There is no mention of anything larger than small game and varmints. Chuck Hawks (ballistic authority) "The Hornady varmint load for the .17 HMR advertises the 17 grain V-Max bullet at a MV of 2550 fps and ME of 245 ft. lbs." "load using a 20 grain XTP bullet ... it is a controlled expansion bullet designed for small game hunting, rather than a frangible varmint bullet like the 17 grain V-Max bullet." "The .17 HMR is intended for hunting animals such as squirrels, rabbits, prairie dogs, gophers, marmots, and other small creatures." "Much later, in 2002, out third rimfire magnum varmint cartridge was introduced, the .17 Hornady Magnum Rimfire (HMR)." The other two are the .22 WMR and 5mm Remington RF Magnum. "In the case of the .22 WMR, 5mm RFM and .17 HMR, experience has shown that all three are effective on small varmints (prairie dogs, ground squirrels, sand rats and the like)" "The .17 HMR, 5mmRF, and .22 WMR are all useful varmint cartridges." "Out to at least 100 yards, all three are deadly varmint cartridges." I could not find in any reference to rimfire cartridges any mention of their effective use on wild turkeys and/or javelinas.

Agency Response: The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

Written Comment: November 9, 2011. I am a third-year law student at the UofA. I am enrolled in the animal law class there and watched yesterday's webcast regarding the proposed changes to R12-4-304 pursuant to a class assignment. I would like to voice a number of concerns, specifically with the rule concerning artificial light to be used for night hunting of coyotes and mountain lions. The stated purpose for this rule is to lower the number of coyotes and mountain lions, the populations of which have been responsible for the decline of antelope fawns and other prey animals. For the sake of this comment, I will accept that this is a rational goal. However, when asked whether states that have already enacted such a rule have seen a decline in predator populations, the presenter answered that he did not know. I think it is reasonable for the public to ensure that the laws they see enacted are able to meet, or help meet, the goals for which they are enacted in the first place. This is especially true in the present case, where night hunting with artificial light would pose danger to wildlife and people alike. My brief research on this issue has yielded the following concerns: 1) night hunting in other countries has led to at least one death of a person who was mistaken for a deer. 2) it is a Class B misdemeanor to kill a Mexican grey wolf, wolves look a lot like coyotes and night hunting would exacerbate the danger of hunters mistaking these animals for coyotes; 3) some states have rejected such a rule because of the danger it poses because hunters can only see so far with artificial light, and may be shooting at animals or even people that are beyond the range of the light; 4) people may be able to find out where night hunting is taking place by looking it up on the Internet, but that does not mean that they will actually do this, nor does it necessarily mean that they will stay out of the designated area even if they know about the night hunting taking place; 5) The Commission has lowered the predator population itself, and even though the artificial light like rule would (presumably) have this effect without use of government resources, the Commission did not express that they would be unwilling or unable to continue taking this problem into their own hands in the future. Preventing even one human death is reason enough to stop this rule from being enacted.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the

Notices of Exempt Rulemaking

value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

There is no evidence to suggest that predator populations are at lower levels now than at any other time during the last 20 years, or perhaps longer. In fact, most evidence suggests that mountain lion range is increasing, and the use of genetic population estimation techniques suggests that we have been routinely underestimating many predator population sizes. However, the regulated use of hunting with the aid of artificial light would only constitute one tool that the Commission could use to influence predator or prey population levels.

Written Comment: November 9, 2011. How many ways do you want to murder innocent animals for your sport? So sad that men still need to kill to have fun.

Agency Response. Thank you for taking the time to submit your comment.

Written Comment: November 9, 2011. I oppose the following amendments: Amendments include allowing the shooting of mountain lions with shotguns; allowing the shooting of javelina and turkey with rimfire handguns; allowing the take of cottontail rabbits, tree squirrels, upland game birds, and Eurasian Collared-doves with a pneumatic and hand-held weapons; allowing the take of coyotes and mountain lions at night with artificial light in problem areas; and allowing hunters to use dogs to kill predatory and furbearing animals, small game and nongame animals.

Agency Response: Hunters often use shotguns shooting shot to take predators that respond to calls and approach concealed hunters to within close proximity. Hunters often prefer this hunting method because, at close range, shotguns shooting shot are very effective at taking predators and little damage to the hide is inflicted with the shot. Occasionally, mountain lions are inadvertently taken with the use of shotguns shooting shot and the hunter is cited for illegal take. The proposed amendment to rule is unlikely to substantially increase take, while making it legal to harvest a mountain lion using a method that is effective at close range, regardless of shot size. The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. Department law enforcement personnel will be aware of these limited areas and times, and therefore will be able to adjust patrols and surveillance methods accordingly in order to more effectively prosecute potential violators. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Pneumatic weapons are currently a lawful method for taking cottontail rabbits and tree squirrels, the proposed change would also allow upland game birds, such as quail, to be taken with pneumatic weapons. As with all weapon types, the hunter must choose the appropriate method and distances when hunting for each species. This is true for all firearms and archery equipment as well as the above mentioned methods. The use of dogs to pursue predatory and furbearing animals, small game, and nongame animals is already legal, but is somewhat unclear in rule. The intent of the amendment is to clarify the already legal practice of using dogs to pursue these species. We do not expect an increase in the use of dogs to pursue these animals as a result of this proposed amendment to rule.

Written Comment: November 9 (2), 2011. Please do not allow night hunting of coyotes and mountain lions. This is a bad idea that should be rejected. It will make it more difficult to prosecute poachers and it's unsafe because it's difficult to identify target species at night. This can put campers, hikers, and their pets at risk. In addition, predators play an important role in the ecosystem. Please do not allow this bad idea to go forward.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Notices of Exempt Rulemaking

Written Comment: November 9, 2011. I was able to see the November 8 presentation via webcast and I thank you for making the effort to offer that opportunity. The presenters were effective and careful to repeat all questions from the audience so web viewers would be able to follow that aspect of the program. I have the following questions and comments –While the program presenter offered a succinct and logical rationale for changing the rules relating to bow hunting equipment requirements, the underlying justification for other changes was not so clear and the benefits vs. risks far less obvious. For example, the part D proposal to allow artificial light in support of coyote hunting was described during the webcast as restricted to a limited area(s) driven by game management objectives and conditions, the specific instigating problem being low antelope recruitment success in certain hunting areas. Unfortunately, nothing in the proposed rules includes any such qualifications, limitations or prohibitions apart from the fact that lights may not be affixed to vehicles or watercraft. This is a major oversight. While not disputing that coyote predation against young antelope can be considerable, it is a single factor impacting net recruitment. It is unclear how such a management tool could be expected to impact coyote numbers significantly or exert a productive effect since the hunt would (in principle) be imposed only after a conditions-based assessment which would lag the actual predation occurrence. It is not even clear how managers would act to ensure hunters would participate where and when needed. Since the take method proposed is ‘firearms’ the sanctioning of night hunts adds an extra element of risk. Notwithstanding the use of powerful lights, shooters may have problems assessing what lies in the invisible background. Since this was presented as a limited scope event in support of specific management goals, would it be possible in this specific situation to restrict hunters to shotguns instead of allowing ‘firearms’ and thereby decrease the risk of errant shots? Will antelope recruitment be the only basis for approving such coyote hunts? Suppose this program is highly effective against coyotes, what sort of consequential effects might follow? Undoubtedly predators take a toll on game species, but viewing them as simple impediments to game management objectives seems less than desirable. None of this is specified or evaluated in the proposed rule which basically opens up unrestricted night hunting of coyotes with lights. The idea of expanding the use of hand-held projectiles to take cottontails and tree squirrels is also incompletely described. What will constitute a legal projectile? This seems almost certain to result in a higher proportion of wounded animals. In sum, the proposed rule has not been shown to meet the goal of lowering the predator population and has a number of potential serious and dangerous effects. In my opinion, even if the rule was sufficiently tailored to meet the stated goal, the potential dangerous effects should discourage the Commission from adopting it. The reward is speculative, at best, and the risk is simply too great. I urge the Commission to rethink the adoption of this rule.

Agency Response: The proposed rule defines the suite of lawful methods by which wildlife may be taken, but R12-4-318 is the rule that defines the seasons from which the Commission may choose for taking wildlife. For instance, the Commission may choose to select a “limited weapon shotgun shooting season” or a “general season” for a coyote hunt in which artificial light may be used. AZGFD intends to recommend a “general season,” which would allow the use of centerfire rifles, because there has been indication that it has proven problematic within the many states that already allow their use. In addition, AZGFD plans to recommend specific units and times of the year in which these methods of take may be used.

There are a number of hand-held projectiles that are routinely used in the pursuit of small game under certain circumstances, to include spears and even rocks. While these methods are not expected to result in a large amount of take, there remains no reason to exclude these traditional hunting methods.

Written Comment: November 9, 2011 We concur with Ms. White’s e-mail of November 9, 2011. We live in the same association and enjoy and respect our beautiful wildlife. We have had personal contact with hunters who don’t have the common sense not to hunt in a residential area. We are totally opposed to any hunting within our association, especially lighted or nighttime hunting. This results in a very dangerous situation for all of our residents.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. Urban areas, such as Ahwatukee will not even be considered. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 10, 2011. By this proposal, AZGFD is targeting predators in the name of increasing prey species and increase hunter opportunity by expanding allowable methods for the take of wild mammals, birds, and reptiles. Killing predators is an outdated and unscientific approach to wildlife management. The rule change lacks any scientific basis. No study, scientific or otherwise, was conducted to justify the rule changes or evaluate their impact. The “food triangle” is a bottom-up relationship: the predator population is dependent on the abundance of prey; not vice versa. Please reject this amendment. I request that AZGFD recognize the critical role that predators play in functioning healthy ecosystems, acknowledge the risks to public safety, and concede that a policy such as this will result in the killing of more non-target species, such as endangered wolves, jaguars and domestic animals. Night

Notices of Exempt Rulemaking

hunting poses public safety issues. It will be much more difficult for individuals to identify target species in the dark of night. This can risk the safety of those camping or hiking in these areas, not to mention risking protected species such as Mexican gray wolves, jaguars, or domestic animals. Allowing night hunting will also make it more difficult for law enforcement to do its job to identify and charge wildlife poachers.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 10, 2011. No one should be allowed to kill AZ non-game for any purpose other than scientific study. That AZGFD is proposing to allow sport shooting of AZ endangered wildlife is so disgusting as to be unspeakable.

Agency Response: The Department's proposal does not include the killing of endangered wildlife.

Written Comment: November 10, 2011. Please ensure that night hunting is not allowed. Animals did not evolve with spot lights or other unnatural lighting and their defense is to "freeze," making them easy kill targets. We are cruel enough in the killing of these delightful beings, let's not add another method to destroy their lives and that of their families.

Agency Response: AZGFD manages all wildlife populations for their continued existence, and it is not the intent to eliminate any native wildlife species. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 10, 2011. I understand the Arizona Game and Fish Commission is considering allowing the use of artificial lights to hunt coyotes and mountain lions, and this rule change is being considered as a precursor to allowing night hunting of these species. As a concerned citizen who uses our state's natural areas daily, I respectfully urge you to please reject this dangerous idea. I ask this out of concern for the important role these animals play in our state's ecosystem, as well as concern for public safety. My family and I walk our dog every morning and evening in natural areas in Northern AZ. We, and I imagine many other families, do not want to be put at risk of being accidentally shot by a hunter while just walking our dog at dawn or dusk. Please protect public safety, especially that of campers, hikers, anglers, and other Arizonans and visitors, as well as their pets, by not allowing artificially-lit or night hunting in our state.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 11, 2011. You have listened to only some of your constituents. This constituent who gives you money with my tax return every year (to help you take care of AZ wild animals) does not find these new ways to take wild mammals, bird and reptiles a very good idea. In fact, I am very upset that you even considered them. Have you evaluated their affect on wildlife? Does this represent your 2012 approach to wildlife management? Didn't we do it this way a 100 years ago? What scientific reasons do you have to back these rules? I bet the majority of AZ citizens are against it and it wouldn't make it if it was on the ballot. These rules do not represent effective and ethical methods. The wildlife of AZ belongs to all its citizens, not just its hunters. The predators are an important part of the picture.

Agency Response: The proposed rule defines the suite of lawful methods by which wildlife may be taken, but R12-4-318 is the rule that defines the seasons from which the Commission may choose for taking wildlife. For instance,

Notices of Exempt Rulemaking

the Commission may choose to select a “limited weapon shotgun shooting season” or a “general season” for a coyote hunt in which artificial light may be used. AZGFD intends to recommend a “general season,” which would allow the use of centerfire rifles, because there has been indication that it has proven problematic within the many states that already allow their use. In addition, AZGFD plans to recommend specific units and times of the year in which these methods of take may be used.

There are a number of hand-held projectiles that are routinely used in the pursuit of small game under certain circumstances, to include spears and even rocks. While these methods are not expected to result in a large amount of take, there remains no reason to exclude these traditional hunting methods.

Written Comment: November 11, 2011. With seven billion people in this world, we’re already a threat to wildlife. Do we really need to make it even easier and faster to kill animals that pose no threat to humans? What kind of hand-held projectiles would be allowed by bullet point number five? Wouldn’t allowing night hunting be unethical and pose a danger to the public or create problems for law enforcement? By this proposal, AZGFD is targeting predators in the name of increasing prey species and increase hunter opportunity by expanding allowable methods for the take of wild mammals, birds, and reptiles. Killing predators is an outdated and unscientific approach to wildlife management. The rule change lacks any scientific basis. No study, scientific or otherwise, was conducted to justify the rule changes or evaluate their impact.

Agency Response: There are a number of hand-held projectiles that are routinely used in the pursuit of small game under certain circumstances, to include spears and even rocks. While these methods are not expected to result in a large amount of take, there remains no reason to exclude these traditional hunting methods.

Hunting with artificial light is expected to be an effective hunting approach in some instances, and AZGFD does not intend to recommend its implementation statewide. There are quite a number of studies that have demonstrated that reduction of coyote populations can benefit pronghorn populations and that mountain lion populations can influence bighorn sheep populations. AZGFD does not intend to recommend these seasons statewide, but to do so in those areas where prey populations are below management objectives.

Written Comment: November 11, 2011. I recognize why the proposal was made to change both (A)(7) and (A)(8) but I do not support the change proposed for (A)(8). I can offer no proof as to the benefits, etc. of this proposed change. I can say as a turkey hunter and one who spent a portion of my career interacting with turkey hunters, I do not feel it is needed. In my career I spent 25 years working in turkey hunt areas and never witnessed a turkey hunter using a handgun. My reason for not supporting the proposed change is I do not feel it is prudent to return to allowing the use of rifled firearms for turkey hunting. I do not support changes proposed to R12-4-304(A)(8) or (D)(1). I opposed these changes several times in my career and was pleased then to see they were not included in a rule change. My reasons for opposition follows: 1. Law Enforcement Concern. As a former Game Ranger I answered many calls of “shots in the dark”. Such calls rarely resulted in contacts with potential violators but often resulted in a lot of expended effort even with a reporting party in the vehicle with the officer. If this rule change is implemented and applied to specific areas it most likely will result in additional “shots in the dark” calls because an officer must respond in case it is not a legitimate hunting activity. I fully appreciate the purpose of this proposed change and support reduction of coyote and lion population in areas where a reduction will relieve mortality rates on other species depressed by predation, but I do not feel it is a workable solution to that problem. 2. Public Safety: As you are aware our wild lands are becoming increasing crowded with users, both hunters and other recreationalists. Allowing someone to discharge a firearm at night when they cannot be certain of their “backstop and beyond” breaks one of the cardinal rules of firearms safety. Discharge of firearms at night can be hazardous and even very dangerous in some areas. I fear approval of this change may result in more regulations governing firearms discharge on federal lands promulgated by the BLM, USFS, etc. Such an activity may be appropriate on large blocks of land where access is controlled (such as large parcels of private land in other western states), but such is not the case in most of AZ. Back in the late 70s or early 80s an experiment was conducted in unit 5B involving night hunting of coyotes. The experiment was conducted by the Research Branch, and involved volunteers from a Predator Hunting Club from the Valley. As I recall the results indicated the technique was not particularly effective. If you are interested in reviewing these results I suspect they can be located in Research Branch archives.

Agency Response: The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

The proposed rule on the use of artificial light is specifically requires that the light be detached from any boat, motor vehicle, or vehicle under tow. Hunters are required to identify their targets. Because the rule does not allow for the take of many predator species, hunters will need to identify the species accurately before shooting. At least for initial implementation, AZGFD will be recommending avoiding the use of artificial light within those areas occupied by Mexican gray wolf.

Currently, raccoons may be pursued during nighttime hours and hunter and officer safety has not been compromised. A number of western states allow the hunting of predators during nighttime hours and hunter and officer safety has not proven to be problematic in those states. While the biological influence of a season that allows for the take of coyotes or mountain lions during nighttime hours may not be large, this provides the Commission with another tool to address predator and prey populations that are not within management objectives in conjunction with other management activities.

Notices of Exempt Rulemaking

Written Comment: November 11, 2011. I have a concern about the proposed rule changes for the method of take for wildlife. Specifically item (A)(8)(i) and (D)(6), allowing the take of mountain lions and coyotes with artificial light. My concern is allowing the use of center fire and rim fire weapons, except for shotguns shooting shot, to accomplish the taking. I think it is unsafe to allow shooting of these weapons at something when you cannot see what is beyond the reach of an artificial light. You would have no way of knowing if you are taking a safe shot or not. I propose to disallow those weapons within the proposed changes.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. There is also burden of responsibility for the hunter to use the appropriate weapon type for the particular species being pursued, as well as the responsibility to safely and effectively use that weapon.

Written Comment: November 11, 2011. I hope you will reconsider passing legislation to allow night hunting of mountain lions and coyotes. Currently, there is no accurate count of predator numbers. Ecosystems rely on a balance between predator and prey populations. Allowing night hunting can significantly reduce the populations of mountain lions and coyotes, which could be detrimental to the ecosystem as a whole. It will also make it more difficult for law enforcement to identify poachers. This too will be a significant threat to wildlife populations. AZ has a unique ecosystem that must be preserved. Please do not allow this proposal to move forward.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 11, 2011. I urge AZGFD to reconsider rule changing on taking wildlife. Night hunting invokes numerous safety, legal, and environmental concerns in AZ. Night hunting poses a hazard to those who wish to enjoy the outdoors through hiking or camping, as well as greatly endangers populations of predator species whose populations are vulnerable to further degradation when hunting is legalized around the clock. Legally, law enforcement has more difficulty identifying poachers when hunters are active at night. Ultimately, the environment is at risk when hunters are allowed access to outdoor areas in the dark as their behavior is less regulated and grounds are more subject to litter, trampling, and hunting quotas are less likely to be enforced.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 11, 2011. I urge AZGFD to reject the proposal to allow night hunting of mountain lions and coyotes. This is an ill conceived idea that will not achieve the desired result of increasing prey species. Instead, it will likely result in the deaths of many non-target animals and possibly even people due to the difficulties of properly identifying targets at night, and will hinder law enforcement from effectively controlling poachers. It has been shown over and over that this kind of attempted control backfires and ultimately decreases the viability of the species it was supposedly intended to protect. Please consider this situation and reject this proposal.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Notices of Exempt Rulemaking

Written Comment: November 11, 2011. Please recognize the critical role that predators play in functioning, healthy ecosystems and understand that a policy such as the use of artificial light for the take of coyote and mountain lion will result in the killing of more non-target species, such as endangered wolves and domestic animals. Also, please acknowledge the risks that this would have on public safety and for law enforcement who seek out poachers and illegal hunters of these and other endangered species. Please reject this proposal; AZGFD have the power to allow these endangered and extremely necessary animals to live and continue to be a part of healthy functioning ecosystems throughout the Southwest.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours.

The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 11, 2011. I write to ask AZGFD not to amend rule R12-4-304. AZGFD has a reputation for being anti-predator and the fact it is considering such an amendment without scientific fact or basis to back it up is proof the reputation is deserved. Furthermore, anyone considering night hunting and spotlighting of wildlife as ethical and safe hunting practices needs to return to their poacher roots and get out of an agency that is supposed to be conserving wildlife not selling it off. For once, I implore AZGFD to make a correct and ethical decision.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours.

AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 11, 2011. Please do not allow the unjustifiable killing of predators; it is wrong and unscientific.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours.

AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 11, 2011. Since I cannot attend the upcoming discussion about AZGFD's decision concerning whether to allow night hunting, I wanted to submit my comments. I am not in favor of this idea. I believe that in order to maintain a balanced ecosystem predators need to exist. Additionally, night hunting can put campers, hikers, children, and their pets at risk of injury, especially if the hunters have been drinking, a common activity. Please do not consider allowing night hunting.

Notices of Exempt Rulemaking

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written comment: I am concerned about a proposal to allow the Game and Fish Commission to include night hunting of coyotes and mountain lions in its hunt orders. This poses public safety concerns, will make it more difficult for law enforcement to identify poachers, and is likely to result in the shooting of more non-target species, including endangered Mexican gray wolves as well as domestic animals.

Please reject this proposal for public safety (e.g. campers), conservation of endangered Mexican gray wolves, and safety of domestic animals.

Agency Response: November 11, 2011. AZGFD monitors predator populations through harvest monitoring. In several instances, AZGFD has compared genetic population estimation techniques with estimates based on previous mark-recapture efforts, which indicate that population sizes are routinely substantially higher than what we had once believed. AZGFD is responsible for managing all populations of wildlife, and AZGFD would recommend the use of artificial light during hunting seasons in those situations where reductions in predator populations would be consistent with management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours.

Written comment: November 11, 2011. I urge AZGFD to reconsider rule changing on taking of wildlife. Night hunting invites numerous safety, legal, and environmental concerns. Night hunting poses hazard to those who wish to enjoy the outdoors through hiking or camping and greatly endangers populations of predator species whose population is vulnerable to further degradation when night hunting is legalized. Law enforcement has more difficulty identifying poachers who are active at night. Ultimately, the environment is at risk when hunters are allowed access to outdoor areas in the dark, as their behavior is less regulated and grounds are more subject to litter and trampling and bag limits are less likely to be enforced.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written comment: November 11, 2011. I am against all proposed rule changes. The main concern involves the night hunting of mountain lion and coyote. Night hunting poses many safety issues for people who are camping and hiking. It would be very difficult to control poaching. It would also be difficult to tell the difference between coyotes and wolves, which are protected. Night hunting would also affect the predator populations which are important parts of the ecosystem. The next concern is the use of shot for killing of mountain lion. Shot would probably just wound the lion, not humanely kill them. The lion may become angry and more dangerous to the public. The next concern is the use of rimfire guns in hunting javelina and turkey. Small guns may just wound the animal, which would be inhumane. The next concern would be the pneumatic weapons use. These are very quiet and would make it difficult for management to determine where hunters are located and could kill larger numbers of animals. The next concern would be the hand held projectiles. There needs to be more of a determination of what this is. As a veterinarian, it is my concern that animal are treated humanely. It is inhumane to wound an animal and some of the above issues may result in that situation.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have

Notices of Exempt Rulemaking

developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns. Pneumatic weapons are currently a lawful method for taking cottontail rabbits and tree squirrels, the proposed change would also allow upland game birds, such as quail, to be taken with pneumatic weapons. As with all weapon types, including shotgun shooting shot for mountain lions and hand-held projectiles for small game, the hunter must choose the appropriate method and distances for each species. Hand-held projectiles would include spears or even rocks, which are capable of taking small game.

Written Comment: November 11, 2011. Please reject this proposal. It is too dangerous to allow hunting in the dark and killing coyotes and mountain lions should be prohibited altogether. Please do your part and reject this proposal.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives.

Written Comment: November 11, 2011. Please reject this proposed rule change to allow night hunting of coyotes and mountain lions. I'm very opposed to this rule change. Allowing night hunting of coyotes and mountain lions is a bad idea and I urge AZGFD to reject this change. It's poses a public safety issue and could negatively impact many animals that should be protected. I do not agree with the preference for prey animals at the expense of predators.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written comment: November 11, 2011. I'd like to go on record against the proposed rule changes listed in R12-4-304. These changes are dangerous for many reasons. Allowing night hunting is opening the opportunity for more accidents involved unintended targets, such as personal pets, campers, hikers, and other animals. Also, the inclusion of new weapon types has the potential to result in more wounded animals left in the environment. Please take this letter as a 'no' vote, against the proposed rule changes.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. There is also burden of responsibility for the hunter to use the appropriate weapon type for the particular species being pursued, as well as the responsibility to effectively use that weapon. The proposed weapon changes are considered appropriate for the indicated species.

Written Comment: November 11, 2011. I'm in total agreement to allow spotlighting night hunting of cougar, bobcat, fox, and coyote, etc. This would be another tool to control these animals. I would also consider baiting, trapping and snaring in select areas; this could be accomplished by allowing one trap or snare and a GPS location that could be given to AZGFD. Baiting also works in Africa for lion and leopard.

Agency Response: Thank you for your support.

Notices of Exempt Rulemaking

Written Comment: November 11 and 13, 2011. I recently heard of the proposal to begin allowing hunting of coyote and mountain lions at night. I think this is a bad idea. We are so fortunate to be able to share our space here in AZ with these beautiful creatures. They, along with the open landscape, are what keeps AZ from being not only an industrialized big city, but a natural and beautiful desert landscape. These animals are crucial to the overall ecosystem and deserve to continue living a natural life. If this proposal is passed, they could quickly become endangered and affect all other animals in the area. Most hunting these days is simply for sport, which is disgusting and wasteful and negatively impacts wildlife. So on behalf of me and all other citizens that want to keep AZ natural and beautiful, we hope to hear soon that this idea has been dismissed.

Agency Response: The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 11 and 15, 2011. I applaud your efforts to improve and clarify the legal methods of take in AZ. I hunt coyote and jackrabbits with hounds, as do many others in AZ. I do this in participation with several groups, the Grand Canyon Hounds, the Paradise Valley Beagles, and the High Country Hounds. I also know a number of individuals who take their dogs out for hunting of similar quarry in a manner that is less organized, but no less exciting and enriching. Our method of hunting is ancient. It is part of a grand tradition. And it is essential to why man keeps dogs. Moreover, our method of hunting is kindest to our quarry for a simple reason: either the quarry is taken and put to an immediate end or it escapes completely unharmed. I have never seen a wounded animal escape or even to be held at bay. This is in contrast to the misplaced projectiles that result in protracted suffering evidenced by all of us from time to time. And, our method places more advantage to our quarry than could ever be garnered from one holding a gun or bow. We are lucky to take a dozen coyotes in a season of 75 days. Please pass your proposed rule changes. The AZGFD has a great tradition and, I have learned, national respect for methods and standards of wildlife preservation.

Agency Response: Thank you for your support.

Written Comment (Form Letter): Submitted by 74 individuals using a link provided by the Sierra Club web site (information@sierraclub.org) on November 11 (15), 12 (24), 13 (5), 14 (13), 15 (4) and 16 (13), 2011: Please reject this proposed rule change to allow night hunting of coyotes and mountain lions. AZGFD is increasingly targeting predators supposedly in the name of increasing prey species. This is an outdated and unscientific approach to wildlife management. Aldo Leopold recognized the problems with this type of management 80 years ago and understood that predators are key in a healthy functioning ecosystems. According to AZGFD itself, "The agency did not rely on any study in its evaluation of or justification for the rules." Night hunting poses public safety issues. It will be much more difficult for individuals to identify target species in the dark of night. This can risk the safety of those camping or hiking in these night hunting areas, not to mention risking protected species such as wolves and domestic animals, especially dogs. Allowing night hunting also will make it more difficult for law enforcement to do its job and identify and charge wildlife poachers. Those engaged in illegal activities can more easily claim that they were night hunting as a cover for their activities. It is difficult enough to catch poachers without this added hurdle. With no real clear understanding of current predator numbers, how will impacts to any predator populations be properly evaluated? There is no evidence that indicates this proposal would benefit other species or promote better functioning ecosystems. Is reducing the number of predators beneficial? Will this enhance the populations of pronghorn, deer, bighorn sheep, etc.? The agency did not rely on any studies or research for this decision. It is irresponsible to move forward with this rule.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written comment: November 12, 2011. I absolutely oppose the proposed rule allowing the taking of the wild turkey with rimfire pistols. It has been only a few years since the taking of turkey with rifles of any sort was eliminated. To bring back such a form of taking at this point makes no sense, other than to satisfy a few vocal hunters who wish to plink away at turkeys far out in a meadow. I hate to honor such people with such an honorable name as "hunters." Not

Notices of Exempt Rulemaking

only would such a tactic be dangerous, it is the farthest thing from “sporting.” How many birds will suffer less-than-lethal wounds, only to run off and die in the woods? The wild turkey is a grand bird and deserves a better fate. If such rule is passed, will we see people plinking away with .22 shorts rimfire ammunition? Please do not approve such a rule. It is truly a “step backwards” in your continuing effort to weed out the unethical harvesting of animals.

Agency Response: The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

Written Comment: November 12, 2011. I do not think AZGFD should legalize night hunting of coyotes and mountain lions. It is not safe, necessary, and could possibly lead to an increase in poaching. If it is legalized, are game wardens going to be required to patrol more hours at night to regulate this activity? Also, it’s important for hunters to be able to distinguish the sex of a mountain lion before shooting, so that females with cubs are not killed. For example, lion hunters in CO are required to take a class educating them on how to differentiate between a male and female lion in a tree (so females are not shot). Sex determination would be much more difficult for a hunter at night.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours.

Written Comment: November 12, 2011. Night hunting is unethical and unsafe. It was last year, the year before that, and it still is. Please don’t allow it in AZ for any species.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 12, 2011. I have heard that AZGFD is proposing to allow night hunting for mountain lions and coyotes. I, as well as all the wildlife activists and tourists, strongly disapprove this. It is not only about ruining the last remnants of functioning ecosystems by bringing the endangered keystone predators to the edge of extinction; night hunting poses public safety issues. It will be much more difficult for individuals to identify target species in the dark of night. This can risk the safety of those camping or hiking in these night hunting areas, not to mention risking protected species such as wolves and domestic animals, especially dogs. Allowing night hunting also will make it more difficult for law enforcement to do its job and identify and charge wildlife poachers. Those engaged in illegal activities can always use the claim that they were night hunting as a cover for their activities. It is difficult enough to catch poachers, without this added hurdle. Thereby I ask AZGFD to reject this foolish proposal which endangers all the animal species, domestic beasts and even the public safety of your citizens and tourists.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 13, 2011. I can just imagine the bad press AZGFD would get if a hunter happened to shoot a birder searching for owls at night in the world class wildlife area near Portal. I know the area because I live in Portal. The place is crawling with scientists, wildlife lovers, hikers, and birders from all over the world. Many of them are elderly. Allowing night hunting and encouraging handgun use is not safe for our community. We have had more than our share of safety issues with undocumented aliens. Will the drug smugglers simply tell the border patrol

Notices of Exempt Rulemaking

they were night hunting? Aside from the safety issues, I can't imagine a more backward, primitive approach to wildlife management. Once again, money talks louder than facts and science.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 13, 2011. This night hunting idea has to be one of the most moronic things I've ever heard. No offense, of course. This is a bad idea; an accident waiting to happen. I can only hope you laugh this idea off as a bad night of too many beers.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 13, 2011. I have been a hunter for about 30 years, hold a B.S. in Wildlife Ecology from UA, and would like to submit comments regarding amendments proposed for R12-4-304. I strongly disagree with proposed amendments to R12-4-304 designed to "increase hunter opportunity" by expanding allowable methods for the take. Amendments are reportedly to make the rules "less restrictive," but they go way too far. My overall impression from reading the proposals is a disregard for hunting ethics and lack of respect for game animals. The proposed changes are written so open-ended as to allow and encourage unethical and unsafe hunting practices. Firstly, I object to allowing the use of a crossbow without a permit. I had always thought that crossbows were restricted because of an unfair advantage over wildlife that it gave the hunter. With improvements in technology, compound bows have become easier to use, and these proposed changes in fact include lessening the restriction on bow draw, increasing options for hunters. Has something changed that wildlife should forfeit this protection from crossbows? In addition, I object to the allowance of shotguns shooting shot in taking mountain lions. It is the only large animal where this would be legal. Why is that? Shot is less lethal, humane, and ethical than slugs. Why would shot still be illegal for javelina? Is javelina hide harder to penetrate than a lion's? AZGFD e-mail summarizing these changes says that "AZGFD believes this is an effective and ethical method of take and anticipates that the additional number of mountain lions taken using this method will be minimal." If only a minimal change in take will result, why make the change? Are you intentionally trying to stir up lawsuits from animal rights groups? I most strongly object to the allowance of pneumatic weapons for game birds. There is no stipulation on minimum or maximum gun power. Any BB gun or high-powered airgun could be legally used. Coupled with the recent changes to A.R.S. §§ 13-3107 and 13-3108, the proposed regulation would allow hunters to legally take upland game birds right in people's yards, unless they posted their property with signs according to A.R.S. § 17-304(C). "1. Be not less than eight inches by eleven inches with plainly legible wording in capital and bold-faced lettering at least one inch high. 2. Contain the words "no hunting," "no trapping" or "no fishing" either as a single phrase or in any combination. 3. Be conspicuously placed on a structure or post at least four feet above ground level at all points of vehicular access, at all property or fence corners and at intervals of not more than one-quarter mile along the property boundary, except that a post with one hundred square inches or more of orange paint may serve as the interval notices between property or fence corners and points of vehicular access. The orange paint shall be clearly visible and shall cover the entire aboveground surface of the post facing outward and on both lateral sides from the closed area." This is a considerable burden for the millions of property owners who could be affected. I do not consider it sporting or fair chase to hunt dove and quail that have been tamed to come to bird feeders. Furthermore, this would probably constitute hunting over bait violations. In addition, pneumatic weapon hunters could roam washes, homeowner association common areas, and any land not posted, behind an unscalable fence, or covered by a building. Actually, in the proposed regulation or existing regulations, I see no prohibition from hunting within buildings. I have seen sparrows and doves inside big box stores like Lowe's and K-Mart. So then, apparently under the proposed changes, I could legally take my BB gun into a big box store and enjoy my increased hunting opportunities while I shop. This is ridiculous. Likewise, I do not believe that the use of pneumatic weapons (with no power restrictions) is ethical or humane for rabbits, squirrels, or other small game, nor is it safe for humans who live, work, commute, and recreate in these urban hunting areas. The public finding dead or wounded wildlife in their yards will not convey a message of ethical and humane hunting. I also object to the proposed allowance of the take of coyotes and mountain lions with artificial light. AZGFD e-mail states that "this is pro-

Notices of Exempt Rulemaking

posed to give the Commission the authority to open a season allowing the take of coyotes or mountain lions from dusk to dawn in game management units where coyote or mountain lion depredation on antelope, mule deer, and big-horn sheep are considered to be a significant factor in recruitment.” However, the proposed regulation does not list any restriction on season, unit, or departmental decision. The proposed regulation proposes to allow “artificial light while taking coyote, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.” Even if it were restricted to GMUs where depredation is a problem, allowing hunters to use artificial light anywhere in the GMU does not necessarily solve the predation problem in that GMU. Especially with lion, the problem is often that an individual predator has a large impact on a game species population. Increasing blanket take of the predator species does not necessarily help, and in the case of coyotes, may actually increase predator numbers through increased natality. Increased spotlighting would also certainly increase enforcement problems for AZGFD employees, separating legal and illegal spotlighters. The use of rimfire handguns is proposed for javelina and turkey species. I am not entirely knowledgeable about modern capabilities of those firearms, but given the tone of other proposed regulations, I also oppose this change. AZGFD should be limiting weaponry to that which will quickly and humanely kill game animals. It should not be opening windows of opportunity for those people who only have rimfire handguns. The use of dogs to help take wildlife has traditionally occurred. However, there is no requirement for humane take of the quarry in the proposed regulations. Hunters could allow dogs to harass and tear the quarry to pieces while alive. AZGFD e-mail states as partial justification that “the sport of using dogs to pursue and take wildlife has existed in North America since colonial days.” Actually, bear baiting and the killing of other wildlife using dogs dates back to ancient times, but it has been prohibited in many countries for its inhumanity and cruelty. The regulation as stated opens the door to outlawed practices. Accidental capture of pet dogs in leg-hold traps was one of the main factors leading to attempts to outlaw trapping in AZ. Increasing hunting in urban areas, especially with “marginal” methods of take, will likely have the same effect of mobilizing the public against hunting. AZGFD web site (http://www.azgfd.gov/w_c/survey_results.shtml) states that there are 135,000 hunters in AZ, generating \$126.5 million in retail sales per year. That is about 2% of AZ’s population (6.4 million residents according to the 2010 census, <http://quickfacts.census.gov/qfd/states/04000.html>). The U.S. Fish and Wildlife Service funded a survey in 2001 that estimated 46,000,000 birdwatchers exist in the U.S., about 20% of the population. About 80% of those people bird watch in their own yards, and 40% travel to bird watch. About 22% of Arizonans were estimated to be birdwatchers. Nationally, bird watching generates about \$32,000,000,000 (\$32 billion) in retail sales per year. (<http://www.fs.fed.us/outdoors/naturewatch/start/economics/Economic-Analysis-for-Birding.pdf>). These proposed changes, especially the use of pneumatic weapons to take game birds, directly puts a small part of AZ’s 135,000 hunters (unknown percent who are game bird hunters who will hunt in urban areas) in conflict with about 1,200,000 AZ birdwatchers. The potential and likelihood for conflict are enormous. In addition to bird watchers, people concerned with the safety of their families and integrity of their property will begin seeing camouflaged people carrying weapons that look like real guns skulking around washes, alleys, and parks. This will not go well. AZ has millions of acres of public land open to hunting. Why try to squeak in additional hunting right in people’s back yards? Surveys of public opinion about hunting show general support for hunting, as long as hunting is perceived as being fair, ethical, and humane. Many of these proposed changes will tarnish that public perception. Any idea that the voters cannot overrule anything that AZGFD or legislature enacts is not based on the democratic ideal nor the system of government under which we live. In my opinion, these proposed changes are not hunting. They are not increasing opportunities for hunters. They are decreasing the emphasis on fair chase and increasing the emphasis on being able to kill anything, anytime, anyhow. They are legalizing the techniques traditionally used by poachers, slob hunters, and adolescent boys. They will put hunters into conflict with the very large pool of the non-hunting (but voting) public and decrease public support for hunting. These changes could precipitate ballot measures or legislation that might ultimately restrict or end hunting. Outreach efforts to inform the public of potential changes and impacts are entirely insufficient. These changes, coupled with recent changes relating to urban hunting access, will allow hunting on private lands, alleys, rights-of-way, and any piece of land not under the footprint of a building. AZGFD web site provides insufficient and misleading information about posting of private property, based on assumption that only firearms will be used for hunting, and that a firearm cannot be allowed within 1/4-mile of an occupied structure; however, if pneumatic weapons are allowed for hunting, then there is no restriction, and technically each piece of land that a landowner wants to keep closed to hunting must be posted according to regulations. It is likely that there will be an increase in calls to AZGFD for urban hunting conflicts and violations such as hunting over bait when shooting birds near bird feeders. I do commend AZGFD on including the Eurasian collared-dove in the regulations. Hopefully, the increase and spread of this non-native species can be slowed, and negative impacts to native wildlife can be minimized or avoided.

Agency Response: Hunters often use shotguns shooting shot to take predators that respond to calls and approach concealed hunters to within close proximity. Hunters often prefer this hunting method because, at close range, shotguns shooting shot are very effective at taking predators and result damage to the hide is inflicted with the shot. Occasionally, mountain lions are inadvertently taken with the use of shotguns shooting shot and the hunter is cited for illegal take. The proposed amendment to rule is unlikely to substantially increase take, while making it legal to harvest a mountain lion using a method that is effective at close range, regardless of shot size. The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her

Notices of Exempt Rulemaking

target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Pneumatic weapons are currently a lawful method for taking cottontail rabbits and tree squirrels, the proposed change would also allow upland game birds, such as quail, to be taken with pneumatic weapons. Pneumatic weapons are not “silent” and some actually create very audible “reports” due to the high velocities achieved. It certainly would lie within the realm of possibility that multiple birds could be removed from one covey, but that possibility also exists with existing lawful methods such as shotguns, falconry, and bows and arrows; the latter two methods being quieter than pneumatic weapons. Hand-held projectiles include any object or instrument that may be thrown by hand and include spears and rocks.

Written Comment: November 13, 2011. Are you kidding? This is a very bad proposed rule: 1) it is dangerous to the hunter who may accidentally shoot them self while handling a firearm in the dark; 2) it is dangerous to the recreating public who may be mistaken for an animal in the dark. If such a rule were to pass it would have a chilling effect on anyone hiking or camping after dark. If you have ever been camping at night and heard gunfire far or close, as I have, it is a terrifying experience. Who wants to be in the position of having to reveal your presence to someone who is firing a gun at night? 3) the probability of taking an unintended target increases greatly in the dark; 4) it is contrary to the concept of sportsmanship in hunting; 5) it will reflect negatively on AZGFD.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 13, 2011. I am so glad that you are sanctioning the sport of using dogs to pursue and take wildlife that it has the stamp of approval of AZGFD.

Agency Response: Thank you for your support.

Written Comment: November 13 and 14, 2011. As a fox hunter and beagler, I fully support proposals allowing the take of cottontail rabbits, tree squirrels, upland game birds, birds, predatory and furbearing animals, small game and nongame mammals.

Agency Response: The Department appreciates your support.

Written Comment: November 13, 2011. I am against all rules changes proposed. They are unnecessary for the sport of hunting. The following discussion is to explain why these rules should not be passed by the Commission. The use of artificial light to take coyote or mountain lion at night should not be allowed. First the danger it imposes on the public is too great. There could be structures or people nearby that are vulnerable to this type of hunting. This would include campers, hikers or local residents. Dogs as well as other species could become victims. Law enforcement would be difficult in the area of poaching as well as other types of activity. Poachers would have a reason for being out at night whereas otherwise they would not. The other reason would be, in the case of the coyote, it would be possible to mistake an endangered Mexican Wolf for a coyote at night. It has already been found that some hunters have mistaken the Mexican Wolf for coyotes during the day. In the case of the mountain lion, it would be more difficult to tell if the female has kittens. It is against the law to take a mountain lion with kittens. Artificial light at night should not be allowed. The use of shot to kill mountain lions will not result in the immediate death of the lion. It will only be wounded and angry. As a veterinarian, I would consider that type of hunting inhumane because there is not an immediate death to the individual being hunted. Shot in killing mountain lions should not be allowed. The use of .22 rim fire magnum firearms and 5mm rim fire magnum firearms against javelina and turkey would be considered cruel because death would not be immediate. .22 rim fire and 5 mm firearms should not be allowed. Pneumatic weapons are a quiet weapon which cannot be heard by anyone including AZGFD enforcement officers. Hunters would not be able to know if there are other hunters out there because there is no sound from the gun. Also, it would not be considered fair hunting especially in the case of flocks of birds or groups of animals that would leave or run after gunfire. Pneumatic weapons should not be allowed. What is a hand held projectile? I assume it is a spear. There is nothing in the new rules that tells the reader what these are. A spear, unless you are an expert, would be considered an inhumane type of killing device. They should not be allowed.

Notices of Exempt Rulemaking

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns. Pneumatic weapons are currently a lawful method for taking cottontail rabbits and tree squirrels, the proposed change would also allow upland game birds, such as quail, to be taken with pneumatic weapons. As with all weapon types, including shotgun shooting shot for mountain lions and hand-held projectiles for small game, the hunter must choose the appropriate method and distances for each species. This is true for all firearms and archery equipment as well as the above mentioned methods. Many shot sizes are effective within 35 yards for taking larger animals.

Written Comment: November 13, 2011. I'm dismayed and confused by these so-called new rules. There is certainly no sport in this and I think that responsible hunters might also feel these rules are frankly barbaric. This will encourage inexperienced people to simply go out and kill something. The weapons that are being suggested; the night killing of mountain lions and coyotes; the use of dogs to kill small animals; I'm shocked that your agency and others who devised these rules think it's humane. Seems to me that many animals will be injured and will suffer incredible pain and fear. Is it the goal of your agency to decimate the wild animals in our state? Will there be a bounty on these animals as there was a hundred or so years ago? We are going backwards.

If the agency is losing money, then perhaps a reshuffling of leadership should be considered prior to these barbaric practices. Who came up with these ideas? Who in our state government approved this? I'd like to know please.

Agency Response: The proposed rule change does not in any way change the existing rules regarding the use of dogs while hunting, but it explicitly identifies and clarifies the current use of dogs in hunting that is already allowed under statute and rule. This should result in no additional influences on any species, endangered or otherwise.

The proposed rule on the use of artificial light is specifically requires that the light be detached from any boat, motor vehicle, or vehicle under tow. Hunters are required to identify their targets. Because the rule does not allow for the take of many predator species, hunters will need to identify the species accurately before shooting. At least for initial implementation, AZGFD will be recommending avoiding the use of artificial light within those areas occupied by Mexican gray wolf.

Currently, raccoons may be pursued during nighttime hours and hunter and officer safety has not been compromised. A number of western states allow the hunting of predators during nighttime hours and hunter and officer safety has not proven to be problematic in those states.

Written Comment: November 13 and 15, 2011. Please don't permit night hunting of wolves and coyotes.

Agency Response: AZGFD does not intend to allow the take of wolves. AZGFD intends to recommend seasons where artificial light may be used, for the take of coyote and mountain lions during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 13 (2) and November 16 (1), 2011. 1) "Allowing the take of coyotes and mountain lions with artificial light. This is proposed to give the Commission the authority to open a season allowing the take of coyotes or mountain lions from dusk to dawn in game management units where coyote or mountain lion depredation on antelope, mule deer, and bighorn sheep are considered to be a significant factor in recruitment." A previous AZGFD Commission rejected this policy, and rightly so, why is it coming back like a zombie? Targeting predators to increase game species ignores all the other factors that reduce game species, simply because it's easier to scapegoat and kill predators than to make the changes needed for habitat preservation, de-fragmentation, untenable grazing policy, etc. Where is the evidence that this proposal would benefit other species or their total ecosystems? If that argument isn't persuasive, consider the public safety issues and law enforcement issues. We don't need people out at night shooting at whatever they think is a coyote. Night hunting can also increase opportunity for poachers of valuable game species and also of killing protected species like the Mexican Gray Wolf. Persons engaged in illegal activities can more easily claim that they were night hunting as a cover for their activities. It is difficult enough to catch poach-

Notices of Exempt Rulemaking

ers, without this added hurdle. Please reject this provision. 2) "Clarifying that pursuit with dogs for cottontail rabbits, tree squirrels, upland game birds, and birds is a lawful activity. This amendment was requested at a public Commission meeting. While this activity is currently allowed, it is not addressed in rule." Is this to be lawful year-round or just during the legal seasons? These small mammals, game birds and other birds do should not be harassed by dogs for people's entertainment, especially during times of year they are providing for offspring or struggling to meet their water and nutrition needs.

Agency Response: The proposed rule change does not in any way change the existing rules regarding the use of dogs while hunting, but it explicitly identifies and clarifies the current use of dogs in hunting that is already allowed under statute and rule. This should result in no additional influences on any species, endangered or otherwise.

The proposed rule on the use of artificial light is specifically requires that the light be detached from any boat, motor vehicle, or vehicle under tow. Hunters are required to identify their targets. Because the rule does not allow for the take of many predator species, hunters will need to identify the species accurately before shooting. At least for initial implementation, AZGFD will be recommending avoiding the use of artificial light within those areas occupied by Mexican gray wolf. In addition, the night hunting concept considered 2002 varied greatly from today's proposal. The night hunting concept considered AZGFD in 2002 proposed to open night hunting state-wide, for all wildlife species, without any limitations. With today's proposal, AZGFD is taking a measured, conservative approach in implementing the legislation and will utilize an additional public process prior to launching any night hunt, Commission Orders.

Currently, raccoons may be pursued during nighttime hours and hunter and officer safety has not been compromised. A number of western states allow the hunting of predators during nighttime hours and hunter and officer safety has not proven to be problematic in those states.

Written Comment: November 14, 2011. Please reject the proposed rule change to allow night hunting of coyotes and mountain lions. There is no scientific evidence to support allowing this type of hunting in the hopes that prey species would be increased. It will also be harder to stop illegal poachers and much easier to kill the wrong animal (including protected species, like wolves and domestic pets) or endanger campers in the vicinity. For public safety and sensible wildlife management, please do not allow night hunting to be legalized.

Agency Response: AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 14, 2011. The predators at the top of the food chain are really necessary. AZGFD laws are designed to further appreciation of wildlife. This night hunting may not do that as the existence of top predators guarantees the quality of all wildlife

Agency Response: AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 14, 2011. I am strongly against this proposal. Hunting at night is unsafe and should not be allowed. It is difficult to correctly identify species at night and may lead to unintentional shootings of protected species or even pets or humans. As the wife of a US Border Patrol Agent, I believe this will also put my husband and his co-workers at risk, since their job requires them to hike at night through many of the same areas people hunt. Please use common sense and reject this and any future night hunting proposals.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 14, 2011. Please stop permission for night hunting wolves and coyotes.

Agency Response: The proposed rule does not allow the take of wolves. The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Notices of Exempt Rulemaking

Written Comment: November 14, 2011. As a long-time hunter and AZ native, I strongly protest any rule change that will allow hunters to shoot predators such as cougars and coyotes at night. My wife and I have trouble every big game season with careless “hunters” shooting too close to our house in broad daylight. Their inevitable excuse is “I didn’t know there was a house there.” How much more hazardous would it be after dark? This proposal is, frankly, insane, and we will fight it with vigor if it gets through the Commission. It’s difficult enough to defend hunting these days and proposals such as this make it 10 times harder.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed.

Written Comment: November 14, 2011. Not a nice idea for the hunting, you know.

Agency Response: The Department appreciates your having taken the time to submit your comment.

Written Comment: November 14, 2011. Night hunting for mountain lions and coyotes would probably not be a good idea. Besides the fact that predators are necessary for a healthy wildlife stock there are more problems: it’s clearly accident-prone. Whether it be your neighbors’ best hunting dog, a hunting colleague you never expected to be there, the escaped prize ram from the next village, or your nephew who just wanted to listen to the owls at night - it happens so quickly in the dark. It would make poaching a lot more simple and therefore attractive and it would pose a risk to endangered species, the hunting as well as the poaching.

Agency Response: The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 14, 2011. I fully support the proposed rule to allow the use of artificial light for coyotes and lions in AZ.

Agency Response: The Department appreciates your support.

Written Comment: November 14, 2011. Like the night hunting proposal in 2002, this is a bad proposal. This proposal seems counter to sound, scientific wildlife management. The risks to humans, pets, and wildlife in general are numerous. Why would AZGFD initiate a proposal that could make them liable for accidents? The proposal should be abandoned because the proposal completely fails to examine the vital, critical importance of all furbearers and predators to healthy ecosystems and genetically healthy wildlife. It facilitates wildlife poaching; allowing spotlight and night hunting facilitates the illegal killing of deer, elk, pronghorn, and other game. It gives hunters an excuse to be in the field at night with lights and weapons, hindering law enforcement efforts. It would be wasteful of AZGFD’s valuable time and money. It jeopardizes wildlife game warden’s and the general public’s safety of those living, recreating, and camping in the areas in and around where night hunting could occur. Hunters would have great difficulty knowing where their bullets hit. Several western states have reported problems with night hunting from drunkenness, poaching, trespassing, and killing domestic pets, ungulates, imperiled species, and livestock. Killing at night with spotlights is unethical and unsporting. The proposal would leave dependent young wildlife to die gruesome deaths. This is an ill-conceived idea. When making decisions that affect AZ’s wildlife, which includes furbearers and predators, AZGFD and the Commission should consider the broad public interest, which includes scientific interests, not just the interests of hunters. In AZ, for at least a decade, game policies have aggressively hunted the cougar in state-wide Game Management Units (as well as the Kofa Wildlife Refuge). Rather than actual collaring, cougar population estimates have been based on estimates extrapolated from the number killed and estimates of what any given habitat could support. I urge AZGFD to consider that they hold all wildlife in trust for all the public, not just the hunting public. Please reject the night hunt proposal.

Agency Response: The night hunting concept that was considered 2002 varied greatly from today’s proposal. The night hunting concept considered AZGFD in 2002 proposed to open night hunting state-wide, for all wildlife species, without any limitations. With today’s proposal, AZGFD is taking a measured, conservative approach in implementing the legislation and will utilize an additional public process prior to launching any night hunt, Commission Orders. The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. The Commis-

Notices of Exempt Rulemaking

sion will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. There is substantial research to document that mountain lions can influence bighorn sheep populations and that coyotes can influence pronghorn recruitment. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

AZGFD has incorporated improvements in population monitoring for predators, and the population estimates of mountain lions within the Kofa National Wildlife Refuge are based on genetic identification of individuals, not on harvest data (especially since mountain lions may not be hunted on Kofa NWR). Genetic data is improving our knowledge of bears and mountain lions throughout AZ and indicates that we have generally underestimated their numbers in the past.

Written Comment: November 14, 2011. I do not support night hunting. Limited night vision could have dangerous consequences. Please do not allow this.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. There is substantial research to document that mountain lions can influence bighorn sheep populations and that coyotes can influence pronghorn recruitment. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 14, 2011. I follow all of the recent passed and proposed rule changes and felt it necessary to voice my support for the proposed amendments to R12-4-304. I support allowing the take of mountain lions with shotguns shooting shot, the take of Eurasian Collared-doves with pneumatic weapons, and the take of coyotes and mountain lions with artificial light. I believe that all of these amendments will benefit AZ outdoorsman, the reputation of the AZGFD, and AZ as destination for hunters. I agree wholeheartedly with the statement in the proposal that "the rulemaking will benefit the public and AZGFD by encouraging the public to appreciate wildlife and the out of doors with the opportunity to lawfully use additional methods of take; the proposed amendments are aimed at encouraging family participation in hunting, fishing, and wildlife appreciation and developing long term, loyal customers." I recently purchased my Lifetime Wildlife Benefactor license and although I have no plans to leave this state, I would like to know that I will be able to carry these opportunities with me for the rest of my life.

Agency Response: The Department appreciates your support.

Written Comment: November 14, 2011. There are multiple concerns raised by the possibility of night hunting. While coyotes and mountain lions can be viewed as predators, it established science that predators play an important role in sound ecosystems, so their targeting seems counterproductive on a scientific basis. As one who is actively involved in the reinstatement of wolves on the Endangered Species list, I am also concerned that wolves and domestic animals, including dogs, can be inadvertently killed or maimed. Given that night vision is compromised, this concern is heightened. In my conversation with others concerned about this situation, I have been reminded that catching poachers will be made more difficult by such a change. I urge AZGFD to consider these issues and reject any proposed change to include the targeting of mountain lions and coyotes in night hunt orders.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. There is substantial research to document that mountain lions can influence bighorn sheep populations and that coyotes can influence pronghorn recruitment.

Notices of Exempt Rulemaking

AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 14, 2011. I want to support the amendment to R12-4-304. I am an AZ state resident and ride with the Paradise Valley Beagles. We use beagles to chase jackrabbits on horseback. I go out with them weekly in the winter and enjoy everything about it. I sincerely enjoy and respect using state land and would like to continue doing so. If you don't amend the rule to include taking furbearing animals by dogs, then we won't be able to enjoy our sport and will have to disband the club.

Agency Response: Thank you for your support.

Written Comment: November 14, 2011. It is of vital importance to me that the sections 9 and 10 are favorably ratified and passed.

Agency Response: Thank you for your support.

Written Comment: November 14, 2011. Although I am not an AZ resident, I have tent-camped extensively in the Apache National Forest for the last 13 years. My wife and I have camped in all seasons, in almost all game management units, and during almost all hunting seasons approximately 180 nights during that 12-year period. Through purchases of fuel, food, and occasional lodging, we have contributed to the local economies of Alpine, Eager, Springerville, and Pinetop. Therefore, I feel qualified to be considered both a "stakeholder" and someone with more than a casual knowledge and interest in hunting in AZ. With regard to the preamble, I am disturbed that the proposed amendments do not rely on any studies, nor on any public comments. Without both, I fail to see how the amended rule can be said to accomplish its stated goal. Even more importantly, I believe that the statement that the proposed changes have no connection with or impact upon federal law is not entirely accurate. Specifically, the proposed change to permit "spotlighting" in the take of predatory animals in general and coyotes in particular, as well as the change permitting the use of dogs, would adversely affect both state and federal obligations to recover the Mexican gray wolf (*Canis lupus baileyi*) under the Endangered Species Act. As you are probably aware, some people claim that the illegal shootings of Mexican wolves can be attributed -- at least partially -- to a "good-faith" inability of the hunter to distinguish wolves from coyotes. Permitting the use of artificial light to shoot will greatly increase the likelihood of hunters shooting any canid they see, regardless of species. Further, dogs are not trained to discriminate between endangered and unprotected species. Therefore, both of these proposals are likely to increase unauthorized take of the highly endangered Mexican wolf -- and to do so without any studies or public comments showing how these two indiscriminate methods of take will increase interest in legal hunting and an ethic of properly managing and protecting wildlife. During many camping trips, my wife and I have been "spot-lighted" by vehicular mounted lights. Contrary to law, this illumination from roads has sometimes been followed by the sound of gunshots. To date, the only reason I have not returned fire as soon as a spotlight hits me, my car, or tent, is the knowledge that unless the person fires, s/he is not violating any AZ statute. Now, there is a proposal to change this and create an extremely dangerous situation: If I were spotlighted in the future, I would assume that the operator of the light would fire at anything that moves, such as me, my wife, or my dog (even though he is always on lead when outside the tent). The last time I checked, I have an absolute right of self-defense under both state and federal law if I reasonably believe that my wife or I are in danger of being severely harmed or killed. Under the proposed amendment, if I saw a light pointing in my direction, that would be just as if I saw someone pointing a firearm at me. As a Viet-Nam veteran, I do not tolerate people pointing firearms at me. The proposed amendment to the Rule is an ill-conceived invitation to a fire-fight. I fully support all reasonable measures to improve the quality of everyone's experience of the wonderful forests of AZ. Unfortunately, the above-mentioned proposals are likely to have serious unintended consequences with no scientific or social justification for making these changes. Please do not permit the use of dogs to take canids nor the use of spotlights for hunting for any purpose.

Agency Response: The proposed rule change does not in any way change the existing rules regarding the use of dogs while hunting, but it explicitly identifies and clarifies the current use of dogs in hunting that is already allowed under statute and rule. This should result in no additional influences on any species, endangered or otherwise. The proposed rule on the use of artificial light is specifically requires that the light be detached from any boat, motor vehicle, or vehicle under tow. Hunters are required to identify their targets. Because the rule does not allow for the take of many predator species, hunters will need to identify the species accurately before shooting. At least for initial implementation, AZGFD will be recommending avoiding the use of artificial light within those areas occupied by Mexican gray wolf.

Written Comment: November 15, 2011. I would like to comment on your proposed Rule R12-4-304, relating to "Lawful Methods for Taking Wild Mammals, Birds and Reptiles." In short, I believe this rule change is not warranted and that it represents a step backward in the management of AZ's wildlife. For starters, night hunting is just a remarkably bad idea. I have hunted, and it is sometimes very difficult to determine what one is actually shooting at during daylight hours (a reason why hunters and sportsmen wear orange vests and put orange vests on their dogs), and I cannot see any reason why anyone should be hunting at night. It is just way too dangerous and will lead to someone's death. The only people that shoot guns at night are thugs in our cities. Hunters should absolutely not be doing it. Next, the rule change relating to the taking of predators goes too far. We need a balance of coyotes, mountain lions, wolves and other predators in our outdoors. Those predators actually make the population of deer, elk, etc. stronger, and

Notices of Exempt Rulemaking

make them more interesting to hunt. Any fool can shoot Bambi when she wanders into his front yard, but a population that is sensitized to predators takes some work, and that is part of the hunting sport. There are other problems with the rule change, such as using handguns, and air rifles and such, but the night time hunting and the taking of predators are the biggest issues and for this you need to just drop this rule change all together.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 15, 2011. I oppose all proposed amendments to R12-4-304. My understanding is the proposed amendments consist of: 1. Clarifying the use of crossbows; this is proposed to improve consistency and reduce confusion among hunters regarding the use of crossbows. 2. Allowing crossbows and bows that are drawn and held with an assisting device for the take of specific wildlife; this is proposed to make the rule less restrictive, increase clarity, and improve consistency with other subsections of the rule. 3. Reducing the minimum standard pull weight for bows; this is proposed to reflect current technological advances. 4. Allowing the take of mountain lion with shotgun shooting shot. This amendment was requested by members of the public during previous hunt guideline discussions. The Department believes this is an effective and ethical method of take and anticipates that the additional number of mountain lions taken using this method will be minimal. 5. Allowing the take of javelina and turkey with rimfire handguns. This amendment was requested by members of the public during previous hunt guideline discussions. The Department believes this is an effective and ethical method of take. 6. Allowing the take of upland game birds and Eurasian collared doves with a pneumatic weapon. This amendment was requested at a public Commission Meeting. The Department believes this is an effective and ethical method of take and does not in conflict with the Migratory Bird Treaty Act. 7. Allowing the take of cottontail rabbits, tree squirrels, upland game birds, and Eurasian collared doves with pneumatic weapons and hand-held projectiles. This amendment was requested by members of the public during previous hunt guideline discussions. The Department believes this is an effective and ethical method of take. 8. Allowing the take of coyotes and mountain lions with artificial light. This is proposed to give the Commission the authority to open a season allowing the take of coyotes or mountain lions from dusk to dawn in game management units where coyote or mountain lion depredation on antelope, mule deer, and bighorn sheep are considered to be a significant factor in recruitment. 9. Clarifying that pursuit with dogs for cottontail rabbits, tree squirrels, upland game birds, and birds is a lawful activity. This amendment was requested at a public Commission meeting. While this activity is currently allowed, it is not addressed in rule. 10. Allowing an individual to use dogs as a lawful method to take predatory and furbearing animals, small game, and nongame mammals. This amendment was requested at a public Commission meeting. The sport of using dogs to pursue and take wildlife has existed in North America since colonial days. This rule amendment clarifies that the take of predatory and furbearing animals, small game, and nongame mammals with dogs is a lawful activity. Please note, I object most strenuously to the amendments I labeled above as numbers 4, 5, 6, 7, 8, 9, and 10. I feel those amendments will lead to significantly increased instances of animal cruelty, suffering and wounding, and wanton killing. The rules are not in the spirit of wildlife conservation, are unnecessary and serves no useful purpose.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. Department law enforcement personnel will be aware of these limited areas and times, and therefore will be able to adjust patrols and surveillance methods accordingly in order to more effectively prosecute potential violators. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the

Notices of Exempt Rulemaking

use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns. Pneumatic weapons are currently a lawful method for taking cottontail rabbits and tree squirrels, the proposed change would also allow upland game birds, such as quail, to be taken with pneumatic weapons. Pneumatic weapons are not “silent” and some actually create very audible “reports” due to the high velocities achieved. It certainly would lie within the realm of possibility that multiple birds could be removed from one covey, but that possibility also exists with existing lawful methods such as shotguns, falconry, and bows and arrows; the latter two methods being quieter than pneumatic weapons. Hand-held projectiles include any object or instrument that may be thrown by hand and include spears and rocks.

Written Comment: November 15, 2011. I hunt with hounds, pursuing both coyote and jackrabbit. It is the primary reason that I purchase each year a hunting license from AZGFD. The pleasure I derive from being able to watch working dogs in pursuit of a faster and, in the case of the coyote, smarter quarry is beyond my ability to verbalize. I enjoy this pursuit with others, all carrying hunting licenses, and can’t imagine a world where such an activity could be judged illegal. Thank you in advance for approving this modest change to your rules of acceptable take.

Agency Response: Thank you for your support.

Written Comment: November 15, 2011. I would just like to let you know I support the wording of the new rules for hunting with dogs, on non game furbearing animals and birds. I have a pack of beagles and we have been hunting the jackrabbit in the deserts around Phoenix since 1983. Needless to say we don’t catch many, but to watch the beagles work as a pack to figure out where that hare ran, or hid is amazing. We have a group of about 20 members. We follow them on horseback and we are quickly running out of places to hunt these wonderful hounds. So we appreciate the Commission’s consideration of our sport. We encourage our members to buy hunting licenses to support AZ’s wild-life and upkeep of state and federal lands.

Agency Response: Thank you for your support.

Written Comment: November 15, 2011. As a former member of the Heritage Fund Advisory Committee and a longtime native AZ hunter and conservationist, I want to submit several comments opposed to the proposed rule-change to allow night hunting of mountain lions and coyotes. I am not in a position to comment on the proposed rule-change from a game or non-game management viewpoint, as that is not my field, but PR and conservation is my field, and public safety is all our concern. I object based on 2 points: 1) in light of a very concerted effort nationwide by entities such as the Humane Society to chip away at hunters rights, proposing rules like this will only give the extreme anti-hunting lobby more fodder to use for their increasingly successful campaigns to ban hunting; 2) from a personal and public safety standpoint, I strongly object to allowing night hunting because consistent contact with hunters in my region shows time and again they are not properly informed of existing rules. They continually scout and set up blinds or hunt openly on or near our land, within 1/4 mile of our house in the Sierrita Mountains. When confronted, they claim they didn’t know we were there. When asked to see their map, they don’t have maps. Recently we had a varmint hunter set up a lure and lay in his blind using a “distressed rabbit” caller to call in mountain lions (so he said). He had positioned himself well within 1/4 mile of our house and he had his rifle propped and aimed directly at our house. How can we feel safe if these same hunters are allowed to set up to hunt at night?

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wild-life. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written comment: November 15, 2011. What is AZGFD thinking? To allow shooting of predators at night is crazy. The rule is there to protect our big predators and we all know they need some protection. Many people love to come to AZ because there are animals that are here, and they get to see them in the wild. Please protect these animals, that is what we all want. Stop your unscientific and unjustified killing of our coyotes, big lions, and even the small bobcat.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wild-life. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican

Notices of Exempt Rulemaking

gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written comment: November 15, 2011. I think night spotting coyotes and mountain lions is a bad idea. If it's a rule change clearing the way for night hunting of these animals, I think that it is a really bad idea. What happens to a camper in the Blue Range Wolf Recovery Reintroduction Area? You've camped out, hoping to hear a Mexican wolf howl in the wild. Suddenly someone is zinging bullets toward what they believe is a coyote. What if it's a wolf? How in the world, in the excitement of the moment, can most people identify that the animal they've targeted is a coyote and not a wolf? What if it's in the direction of your campsite? It's such a bad idea and a huge invitation to poachers and others who might wish to interfere with the reintroduction of the Mexican wolf. As you are already aware, the majority of fatalities for these endangered animals, by a huge margin, is either people shooting them or collisions with vehicles. Allowing night hunting will increase the chance of wolves dying. I strongly oppose it. Please do not implement the change.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written comment: November 15, 2011 I write on behalf of the AZ Zoological Society, am an operator of the Phoenix Zoo, and a participant in a variety of conservation projects and collaborate locally, regionally and national in environmental education to include acquainting young people and their families and friends about the values associated with our relationship with nature. In that context, we have some concerns about the above cited rule. In particular, our concerns are centered on two particular issues, human safety and animal welfare. We express these concerns to the Commission with appreciation for its trust responsibility for wildlife and the habitat it depends upon and expect that the rulemaking will rely upon the best science available, particularly given the proliferation of stressors that currently effect natural systems. We interact routinely with over one million people a year in both formal and informal settings and encourage both passive and experiential learning about nature with a focus on how we can all participate in providing stewardship services that help assure nature retains the diversity it needs to effectively adapt so it can continue to provide the ecological services we all depend upon now and across future generations. Many of those we interact with are urban in their orientation and increasingly prefer virtual experiences or augmented reality. Many have few nature based experiences and many (particularly those who grew up elsewhere) are afraid of nature, including our deserts and forests. I think your own research many confirm this. I do not think that night hunting is going to add sufficient value to negate the negative impacts it may have on people feeling comfortable about night hikes and camping and, in fact, I believe it will make it even tougher for us to encourage nature based experiences. We are not anti-hunting, but we strongly believe the sport should be managed as conservatively as possible given the potential lethal impact that can be associated with error. In addition, we support hunting and interact with many who engage in the sport who agree with us that the effective use of lethal force is the safest and most humane way to hunt. We are concerned that the ways and means being promoted in this rule might result in more wounding of wildlife than in the effective take of wildlife. Wounded wildlife may not only suffer, but may also react in ways that create risk to people. Again, this may compromise our shared commitment to encourage people to become actively engaged in nature. We have shared challenges and ambitions. The above cited rule and amendments have the potential to add to those challenges without any indicators or quantification that it will materially enhance our trust responsibility to manage our relationship with nature in ways that conserve it into the future. Please consider rejecting this rule's focus on a minority special interest and preserve the safety and well-being of the commons.

Agency Response: AZGFD does not believe that the proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is being promulgated to address a minority constituency, but rather to provide the Commission with another tool to manage in favor of prey populations that are below management objectives. Many states currently authorize night hunting of predators with the aid of artificial light, and human safety has not been identified as being at greater risk from hunting accidents or wildlife conflicts.

The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to

Notices of Exempt Rulemaking

vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 15, 2011. This is an awful and outrageous idea. Not only does it endanger campers, hikers and the like, but also domesticated pets. Soon, anyone with a blood lust for animals will be out there shooting anything that moves and enforcement of laws will decrease drastically in the night hours. Plus, the fact that it is only proposed to hunt predator species is absurd. Predators are a necessary part of all ecosystems. I seriously hope AZGFD reconsiders this proposed rule and rejects it.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 15, 2011. I am requesting that AZGFD reject the amendment to the “lawful methods for taking wild mammals, birds, and reptiles.” I believe this is not only dangerous for the animals, especially the nocturnal predators, but for people as well. This is a public safety issue. We already have problems with people being shot by hunters in the daylight hours. Not only will humans be in danger but so will non-targeted animals; they can be killed more easily at night. Predators play an important role in a healthy ecosystem. It disturbs me that there seems to be an anti-predator trend in AZ’s wildlife agencies. This rule change lacks any scientific basis, shows no concern for the ecological health of wildlife populations, and benefits only a small sector of wildlife enthusiasts in AZ.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states.

Written Comment: November 15, 2011. Please reject this proposal, recognize the critical role that predators play in functioning healthy ecosystems, acknowledge the risks to public safety, and concede that a policy such as this will result in the killing of more non-target species, such as endangered wolves and domestic animals.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems.

Notices of Exempt Rulemaking

tems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 15, 2011. Before enacting amendment proposed for R12-4-304 I propose injecting a little science into the equation. The proposed amendment is in clear opposition to the scientific management of predator and game animals, the goal of which is to create healthy populations of each, not to increase the population of one species over another so humans can kill them. Don't get me wrong; I was an avid hunter for over 50 years. Now I'm a little long in the tooth and do my shooting with a camera. I must also voice my opposition to allowing hunting at night, as I fear a "clean shot" will be the exception rather than the rule and will cause death or injury to species not lawfully hunted. Ocelots come to mind as they have recently been reported in AZ. As a retired 30-year law enforcement officer, I would dread separating a hunter from a poacher from a border bandit. In the middle of the night, in the middle of the desert.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 15, 2011. Allowing night hunting is truly scary for those of us who like to camp and hike. Also, increased predator hunting is not an effective way to control other wildlife and panders to a very small group of citizens. Please do not allow this.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 15, 2011. As an outdoor enthusiast and mother of four, some of the proposed changes to the hunting rules concern me a great deal. I am a fourth-generation Arizonan and am proud of AZ's natural beauty. I take my children hiking and camping to encourage an appreciation of the wilderness. We do not hunt and the idea of someone hunting at night, where my children and our dog might be camping is extremely disturbing. Is this really necessary? The wilderness is for all citizens of our state to enjoy regardless of whether we hunt or not. Please reject this proposal, recognize the critical role that predators play in functioning healthy ecosystems, acknowledge the risks to public safety, and concede that a policy such as this will result in the killing of more non-target species, such as endangered wolves and domestic animals.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be

Notices of Exempt Rulemaking

used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 15, 2011. I am writing to submit a comment regarding the proposed rule amendments to R12-4-304. I am currently a law student at the UofA and a citizen of AZ. I would like to address my opposition and concerns regarding the proposed rule that will allow the taking of coyotes and mountain lions with artificial light. I believe this practice is unnecessary as it is potentially dangerous for hunters and wildlife and not an effective or ethical method of take for several reasons. First, legislature in other states have banned hunting with artificial light because of the obvious danger of limited visibility that occurs under such circumstances. The use of artificial light does not allow hunters to see past their targets creating potentially dangerous scenarios for the hunter, possible bystanders, and wildlife. If permitted, hunters will be shooting a high caliber weapon or powerful crossbow without knowing where the projectile is going, which violates one of the most basic tenants of hunting. Tragically, Margaret Ives, was shot and killed in Australia by a hunter using artificial light when he mistook her for a deer. Hunting in daylight is already a hazardous activity where many accidents occur. Given the lack of visibility inherent with night hunting and artificial light; there is little doubt that additional accidents will occur when hunters are discharging weapons without truly knowing what is in the distance beyond the target. Second, allowing the use of artificial light could potentially increase illegal takings of Mexican gray wolves and put hunters at risk of federal prosecution. Mexican gray wolves and coyotes share similar characteristics, including fur color. It is unlikely that hunting with artificial light will provide hunters enough time or certainty to differentiate between the two species. Artificial light will hinder hunters' ability to decipher distinguishing characteristics. On September 28, 2011 two men entered guilty pleas to misdemeanor charges in federal court arising out of separate incidents where each man killed a Mexican gray wolf they claimed to have mistaken for coyotes. Cases such as the aforementioned, which occurred in daylight, are likely to increase if night hunting with artificial light is permitted. Finally, I am concerned that allowing hunting with artificial light will cause wounded wildlife to suffer inhumane deaths caused by the inability of hunters to safely track wounded animals. Statistics demonstrate that many animals are not killed by the initial shot. The odds for a wounding shot are greatly enhanced when exacerbated by the increased difficulty of hunting at night with artificial light. The use of artificial light does not allow a hunter to easily track or determine the direction of a wounded animal. Understandably, it is likely hunters will be apprehensive and unwilling to track a wounded mountain lion at night out of concern for their own safety. However, if hunters do not track or are unable to track wounded animals or wait until daylight, coyotes and mountain lions will be left to suffer painful prolonged deaths; thereby making this practice unethical. I strongly urge the Commission to oppose the amendment of R12-4-304 allowing use of artificial light. This proposed rule represents an unnecessary additional method of hunting that does not take in account the increased danger to hunters, bystanders, and wildlife.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 15, 2011. So, your latest game plan is to amend an existing rule and allow the unjustified and unscientifically based 'take' of predatory wildlife in AZ by so-called "sport" hunters, the take being unnecessarily tipped to benefit the latter. Shame on AZGFD for proposing a new law for hunter driven rules for further decimation of our already under duress wildlife and especially predatory mammals. Your proposed amendment of R12-4-304 is ludicrous. Not only is it lacking in any scientific basis, but would subject an already questionable population of predators in AZ to unnecessary pressures; risk public safety, and further complicate an unstable environment of illegal immigration and U.S. Border Patrol and other Federal agency activities to mitigate same. AZGFD's already proven its ability to take the only documented American Jaguar in AZ and ultimately, through incompetent and inept actions of AZGFD staff however temporarily-employed, non-engaged supervisory personnel, and contractors of questionable qualifications, lead to the death of same. Let's not amend an existing rule to the point of stupidity or further erode the credibility of a state agency which is supposedly in the business of managing wildlife populations in a scientifically based, sustainable manner for future generations.

Notices of Exempt Rulemaking

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. Please do not allow night hunting of mountain lions and coyotes. Predators are an important part of the fabric of life. It is also dangerous for the hunters.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. Please reject this amendment and recognize the critical role that predators play in functioning healthy ecosystems, to acknowledge the risks to public safety, to support management recommendations on clear science and to concede that a policy such as this will result in the killing of more non-target species, such as endangered wolves, jaguars and domestic animals. Night hunting is the latest effort to target predators. Night hunting poses public safety issues. It will be much more difficult for individuals to identify target species in the dark of night. This can risk the safety of those camping or hiking in these areas, not to mention risking protected species such as Mexican gray wolves, jaguars and domestic animals. Allowing night hunting also will make it more difficult for law enforcement to do its job and identify and charge wildlife poachers. Those engaged in illegal activities can always use the claim that they were night hunting as a cover for their activities. It is difficult enough to catch poachers, without this added hurdle. The proposed amendment is a clear continuation of a disturbing anti-predator trend at the state's wildlife agency. If the proposed rule moves forward, coyotes and mountain lions would be targeted, but many other nocturnal species such as ocelots (recently documented in AZ), badgers, bobcats, even AZ's state mammal, the ringtail could be affected.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. The proposed amendment to "Lawful Methods for Taking Wild Mammals, Birds, and Reptiles" Rule (R12-4-304) is a terrible idea. I am a hunter and sadly there are already hunters who illegally spotlight and shoot at deer at night from their vehicles. This amendment would make enforcement of these laws nearly impossible, e.g. "Oh, I was just spotlighting for mountain lions." Please reject this change. Night hunting is

Notices of Exempt Rulemaking

incredibly dangerous to other hunters, campers, and others. This type of hunting will encourage “slob” hunters that drink, shoot from vehicles, and are generally not safe or careful. This change will increase chances of improperly identified, not target wildlife being shot and killed including endangered species. Getting rid of predators to increase prey for hunters is an out-dated, unscientific, and worthless idea and needs to be fully abandoned. Please keep this change from being implemented.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. I am writing to express my opposition to the proposed rule changes to permit “night hunting” of coyotes and mountain lion. I oppose this rule change for the following reasons: 1) firing weapons at night is a safety issue; 2) poor light will invariably lead to mistaken identification and the taking of non-target species. I am very concerned that AZGFD will be placing endangered Mexican gray wolves in danger; 3) domestic animals, like dogs, will be placed in danger; 4) it will place other hunters, campers, and outdoorsmen in harm’s way; 5) this proposed rule change is another sign that AZGFD is continuing down the “anti-predator” road. Remember, these animals are important to healthy ecosystems; 6) night hunting will lead to the wounding and maiming of more wildlife. The safety issue is my primary concern. Imagine that you are sitting by your campfire and you hear gunshots all night long. What a disturbing thought. This rule change will have a very negative impact on those people that like to camp out and enjoy a quiet evening in the woods. As an alternative, maybe AZGFD should consider permitting “blind-folded hunting” during the day. Hunters would have a similar experience as night hunting and members of the public could see them coming (orange blind-folds required) and get out of harm’s way. Please consider this alternative.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. As a naturalist resident in AZ, and a former predator researcher, I urge you to reject the proposed amendment to Rule R12-4-304 on a number of grounds. Fundamentally, it reflects an alarming and unnecessary retrograde trend in AZGFD’s attitude to predators, taking us in a giant leap backwards to the bad old days when all were considered vermin. There is no scientific justification for such a step. The essential role that predators play in functioning healthy ecosystems has been recognized for decades. I understand that AZGFD gets much of its revenue from licenses, but in this world of shrinking wilderness, isn’t it time that we educated the public more towards non-consumptive appreciation of wildlife rather than pandering to a vocal minority who want “increasing hunting opportunities”? I believe that night hunting carries significant risks to public safety and conservation, because of the difficulty of identifying target species at night. This could be a risk to campers or hikers in these areas, and to domestic stock, as well as protected species such as Mexican gray wolves, jaguars and ocelots. Badgers, bobcats and ringtail could be affected too. Hunters are erratic enough by day, but letting them loose at night, and moreover with inappropriate weapons like shotguns and handguns, is a recipe for disaster. Animals will be wounded with no possibility of following them up, and they too will become a potential public danger. Allowing night hunting will also make it more difficult for law enforcers to identify and catch wildlife poachers, UDAs, etc. Those engaged in illegal activities can always pretend that they were night hunting as a cover for their activities. The same has already

Notices of Exempt Rulemaking

been proved by experience in African countries where I've worked - in many reserves there's a blanket ban on night activity of any kind except law enforcement. I sincerely hope that you will reject the proposed amendment and refrain from further eroding the protection of our nation's magnificent predators.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. Last week the Board of Directors for the AZ Desert Bighorn Sheep Society voted to oppose the recent rulemaking proposal [R12-4-304(A)(8)(i)] to allow the taking of mountain lions with artificial light. It was felt that this rule change was not only unnecessary and of limited value but also contrary to the spirit of fair chase hunting of a noble big game species. We would be fine with AZGFD using this method of take for administrative removals but felt that the mountain lion deserves a more principled and disciplined sport harvest. The use of artificial light just carries too many negative connotations

Agency Response: AZGFD is proposing the amendment to R12-4-304 to enable the use of artificial light during specific mountain lion and coyote hunting seasons to address management objectives, not in an effort to further sport harvest of these species. Hunters may assist in achieving management objectives, as with multiple bag limit harvests in specific mountain lion seasons in specific areas, as a management tool. Management tools like artificial light and multiple bag limits are used in conjunction with other management approaches to meet management objectives in areas where prey or predator populations are not aligned with those objectives. Consistent with the Commission's predation management policy, AZGFD believes that allowing for hunter harvest is of greater value and benefit than to remove a mountain lion through Department action.

Written Comment: November 16, 2011. As an AZ resident and supporter of the Animal Defense League of AZ, I am quite interested in hearing the rationale behind encouraging night hunting? Why do we think it's necessary to change a rule to allow for artificial lighting and why is it a good idea to hunt native animals, period? And, at night?? In my opinion, changing the rule is a dangerous option and would only encourage destruction of natural habitat, put humans and domestic animals in harm's way and pave the way for people with guns to act like cavemen (albeit with lights and guns). Predators play an essential role in the ecosystem and in 2002 the recommendation to allow lighting and hunting was rejected. It was a good idea to reject it then and it still is today. Please don't change the rules.

Agency Response: The night hunting concept that was considered 2002 varied greatly from today's proposal. The night hunting concept considered AZGFD in 2002 proposed to open night hunting state-wide, for all wildlife species, without any limitations. With today's proposal, AZGFD is taking a measured, conservative approach in implementing the legislation and will utilize an additional public process prior to launching any night hunt, Commission Orders. The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. The proposal to allow night hunting of mountain lion and coyote is alarming to us. We live in a rural area along a river corridor where these species move freely. I believe night hunting will pose a serious public safety threat. Hunters often mistake other species for their targets, even in daylight, and darkness will make it difficult for people to see hunters or the hunters to see people who may be in the path of their weapons. Night hunting will also make it more difficult for law enforcement to identify poachers and enforce laws. I fear

Notices of Exempt Rulemaking

for the safety of our neighbors, our domestic animals, and other unsuspecting species that may be mistaken by an overzealous or unethical hunter as their target. I am not opposed to hunting in principle but hunting should be fair to wildlife and the targeting of predators for no good reason is unwise, predators keep the balance. I urge the Commission not to expand hunting rules to allow night hunting of coyote and mountain lion.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. I am writing to submit my comments on the proposed rule to allow the use of artificial lights for night hunting of coyotes and mountain lions. The Commission rejected a similar proposal in 2002 and I urge the Commission to do so again. I highly oppose this proposal for a number of reasons. It will make it more difficult to prosecute poachers, as I can't imagine we have the resources to monitor poachers at night. My biggest concern, however, is that it is unsafe. It would be quite difficult to target species at night, putting campers, hikers, and their pets at risk. I am an avid camper and usually have many kids and several dogs in our group when I go. I would be very uncomfortable camping knowing that there are hunters out there at night.

Agency Response: The night hunting concept that was considered 2002 varied greatly from today's proposal. The night hunting concept considered AZGFD in 2002 proposed to open night hunting state-wide, for all wildlife species, without any limitations. With today's proposal, AZGFD is taking a measured, conservative approach in implementing the legislation and will utilize an additional public process prior to launching any night hunt, Commission Orders. AZGFD is proposing the amendment to R12-4-304 to allow the use of artificial light, detached from any boat or vehicle, to take mountain lion and coyote so that the Commission may prescribe in which place and time this tool may be used to assist in the achievement of management objectives that influence both predator and prey species. Research has demonstrated that mountain lions are capable of influencing bighorn sheep populations, and coyotes are capable of influencing pronghorn recruitment. AZGFD will recommend the use of artificial light during nighttime hours within specific seasons (dates and locations) in conjunction with other management efforts to meet management objectives. Many other states currently allow nighttime hunting of predators, and no substantive evidence exists to indicate that public or officer safety has been compromised. Hunters bear the burden of identifying their target regardless of time of day, and artificial light will be used to illuminate their target during nighttime hours. Currently, raccoon may be pursued with artificial light.

Written Comment: November 16, 2011. As healthcare professionals (pediatrician and registered nurse) that have resided in AZ since 1976, we are extremely concerned about AZGFD's proposal to allow night hunting of coyotes and cougars. We wonder how AZGFD plans to protect individuals and families, especially those with children that camp or hike in areas where night hunting is permitted. This proposal presents a tremendous risk to public health and safety. Please reject the proposed changes to permit night hunting in AZ.

Agency Response: AZGFD is proposing the amendment to R12-4-304 to allow the use of artificial light, detached from any boat or vehicle, to take mountain lion and coyote so that the Commission may prescribe in which place and time this tool may be used to assist in the achievement of management objectives that influence both predator and prey species. Research has demonstrated that mountain lions are capable of influencing bighorn sheep populations, and coyotes are capable of influencing pronghorn recruitment. AZGFD will recommend the use of artificial light during nighttime hours within specific seasons (dates and locations) in conjunction with other management efforts to meet management objectives. Many other states currently allow nighttime hunting of predators, and no substantive evidence exists to indicate that public or officer safety has been compromised. Hunters bear the burden of identifying their target regardless of time of day, and artificial light will be used to illuminate their target during nighttime hours. Currently, raccoon may be pursued with artificial light.

Written Comment: November 16, 2011. Apparently, AZGFD has the insane notion that night hunting for coyote and mountain lion has some beneficial effect. We can't imagine who will benefit, other than testosterone filled ego males who feel the need to pretend that they are living in the wild, stalking innocent wildlife going about its business. Why not have gun toting idiots wondering around at night anxious for anything that moves so that they can "get a shot off?" As an early morning hiker, I know I'd be horrified to hear gun shots and would leave the area immediately. This idea is so inane that it is hard to come up with a logical reason not to do it, since there is no logical reason to do it. The coyote and mountain lion is not a food source to man, and their numbers are not so great that they pose a threat to campers and hikers, as far as we know. What justification could there be other than pure sadistic pleasure in hunt-

Notices of Exempt Rulemaking

ing them down? This kind of “sport” is unconscionable and must be considered a terrible and dangerous idea. What is AZGFD thinking?

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. I’m a scientist. This proposed rule to hunt predators with artificial light at night is clearly not based upon science. Differentiating a coyote from the endangered Mexican gray wolf is said to be difficult in daylight, let alone with artificial light at night. Predators have a well documented role in our native ecosystems. In addition, this rule would create many dangerous situations for people. Why am I commenting? I’m from NM, but I spend a lot of time in the AZ’s National Forests.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. Do not want this proposal: AZGFD proposes rules to allow night hunting of mountain lions and coyotes

Agency Response: AZGFD will recommend biologically sustainable management actions that consider both predator and prey using the proposed amendments to R12-4-304.

Written Comment: November 16, 2011. This is uncalled for. There needs to be a better way. Maybe a catch and release program. This is just wrong.

Agency Response: AZGFD will recommend biologically sustainable management actions that consider both predator and prey using the proposed amendments to R12-4-304.

Written Comment: November 16, 2011. Hunting at night is a bad idea and should not be approved. Besides public safety concerns, it could cause the shooting of dogs and other non-target species. Please reject this proposal.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours.

Written Comment: November 16, 2011. Please reject this proposal, to recognize the critical role that predators play in functioning healthy ecosystems, acknowledge the risks to public safety, and concede that a policy such as this will result in the killing of more non-target species, such as endangered wolves and domestic animals.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial

Notices of Exempt Rulemaking

lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. I do not believe these changes would be in the best interest of AZ residents. Given recent incidents of misidentified targets in the wolf hunts in the Rockies and the death of a hiker by a bear hunter in the same general region, we understand that mistakes can be made even in the best of conditions. This change will also make it more difficult for law enforcement to do its job in identification of poachers. I do not believe these proposed changes are necessary, justified, or safe and I urge the Commission to disprove these proposed changes.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. Proposal to allow the Commission to include night hunting of coyotes and mountain lions in its hunt orders. I can't believe the bad ideas, one after another, that AZGFD comes up with. Now, you want to hunt them at night? I'm not even talking about how foul and unrelentingly evil it is in that the animals have no chance for peace in its life. But I'm talking about how you will be shooting at targets in the dark at anything that moves. Oops, killed an endangered species. Didn't mean to do that. Oops, killed a dog, didn't mean to do that. Oh no, killed a person. I certainly didn't mean to do that. Come into the 21st century. Get your science right. What AZGFD wants to do for the reasons it want to do it is old, outdated science. Predators help increase prey species.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. AZGFD is targeting predators supposedly in the name of increasing prey species. This is an outdated and unscientific approach to wildlife management. Aldo Leopold recognized the problems with this type of management 80 years ago and understood that predators are the key to healthy functioning ecosystems. Even AZGFD has stated that you did not rely on any study in your evaluation of or justification for the rules. Night hunting is the latest effort to target predators. Night hunting poses public safety issues. It will be much more difficult for individuals to identify target species in the dark of night. This can risk the safety of those camping or hiking in these night hunting areas, not to mention risking protected species such as wolves and domestic animals, especially dogs. Allowing night hunting also will make it more difficult for law enforcement to do its job and identify and charge wildlife poachers. Those engaged in illegal activities can always use the claim that they were night hunting as a cover for their activities. It is difficult enough to catch poachers, without this added hurdle. Please reject this proposal, to recognize the critical role that predators play in functioning healthy ecosystems, to acknowledge the risks to public safety, and to concede that a policy such as this will result in the killing of more non-target species, such as endangered wolves and domestic animals.

Notices of Exempt Rulemaking

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

Written Comment: November 16, 2011. Coyote? Pretty prolific. Mountain lion? Not so much. Man's intervention has rarely proven to demonstrate wisdom. From the mustang, to these animals. Like the large black jaguar that died senselessly a few years ago. If you wanted to monitor this giant, what the hell happened to cameras? They are easy to track and set up at specific points. That old boy, no doubt to me died of stress which usually in cats lends itself to fatty liver demise; failure to excrete. Stop the nonsense. They will control themselves and I'm no bleeding heart here. Leave nature to its own, and generally stay out of their way, and all will be well. Therein seems to be the issue. Wisdom, wisdom, wisdom. Seek it while it may be found. A former hunter, wildlife rehabber, Vet Tech., and animal therapist.

Agency Response: AZGFD will recommend biologically sustainable management actions that consider both predator and prey using the proposed amendments to R12-4-304.

Written Comment: November 16, 2011. On behalf of The Humane Society of the U.S. and our 257,000 AZ supporters, I ask that you reject the proposed rulemaking package to amend R12-4-304, with emphasis on voting down the use of artificial lights to take coyotes and mountain lions. Although framed as needed for specific areas of AZ, this rule change would open the use of artificial lights for all coyote and mountain lion hunting. The use of artificial lights in pursuing animals is a violation of fair chase hunting ethics, which dictate that new technology in hunting should be considered in context of whether the animal has a reasonable chance to escape the hunter. According to the U.S. Fish and Wildlife Service, 97 percent of Arizonans do not hunt. Increasingly, the future of hunting will depend on the positive support of those who do not hunt. The public does not tolerate practices seen as unfair and inhumane. As a body that acts as a steward for hunting, the Commission should consider the message these rule changes send to non-hunting citizens across AZ. Furthermore, the use of artificial lights is primarily used when hunting at night, a practice prohibited for both coyotes and mountain lions, as well as almost all other game animals. Allowing the use of artificial lights may increase the poaching of these animals. Law enforcement investigations of night hunting will prove more difficult, as anyone suspect possessing artificial lights for hunting stopped by law enforcement may simply state that they use these lights for pursuing coyotes and mountain lions. Finally, other aspects of these proposed regulation changes are concerning. This proposal would allow the take of cottontail rabbits, tree squirrels, upland game birds and Eurasian collared doves with pneumatic weapons and handheld projectiles. Nowhere in code is the term "handheld projectile" defined, and this term could encompass a number of outdated, even prehistoric, weapons deemed inhumane and more ineffective than modern weapons, but are nevertheless used by some as a novelty. In sum, these regulations are not needed to expand hunting opportunity in AZ, yet these prospective changes will ensure that inhumane activity and law enforcement challenges increase. I urge you to reject the proposed amendments to R12-4-304. Thank you for your attention.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. Department law enforcement personnel will be aware of these limited areas and times, and therefore will be able to adjust patrols and surveillance methods accordingly in order to more effectively prosecute potential violators. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives. Pneumatic weapons are currently a lawful method for taking cottontail rabbits and tree squirrels, the proposed change would also allow upland game birds, such

Notices of Exempt Rulemaking

as quail, to be taken with pneumatic weapons. As with all weapon types, the hunter must choose the appropriate method and distances when hunting for each species. This is true for all firearms and archery equipment as well as the above mentioned methods.

Written Comment: November 16, 2011. I am writing on behalf of the Sierra Club's Grand Canyon Chapter and our more than 12,000 members throughout AZ to express our strong opposition to the proposal to allow the night hunting with artificial light for mountain lions and coyotes. Hunting proposals should be based on solid scientific information and should not be to the detriment of functioning ecosystems. According to AZGFD, in the Notice of Exempt Rulemaking, item #7, A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material, "The agency did not rely on any study in its evaluation of or justification for the rules." Before AZGFD proceeds with any measure, it must first look at whether or not it is justified scientifically and whether it is in the best interest of wildlife and the habitat they inhabit. Many of the measures proposed in the rule have not been permitted previously for very specific reasons. Chief among these reasons are public safety and benefit to wildlife species. Allowing actions such as night hunting endanger the public and may negatively affect both game and non-game species. Hunters have little to nothing to gain from such measures, so it is difficult to understand why these actions would be permitted. AZGFD is increasingly targeting predators, supposedly in the name of increasing prey species. This is outdated and scientifically unjustifiable approach to wildlife management. Aldo Leopold recognized the problems with this type of management 80 years ago and understood that predators are key to healthy functioning ecosystems. We would first like to address concerns about night hunting of mountain lions and coyotes in R12-4-304(A)(8) and R12-4-304(D). As you know, night hunting poses public safety issues. Although one of the basic rules of hunting is to clearly identify and know what one is shooting, it will be much more difficult for individuals to identify target species in the dark of night. As importantly, it will be much more difficult for people to ascertain what and who is in the general vicinity of their target, especially if they are focusing a spotlight on an animal. This can risk the safety of other people who are in these night hunting areas, including other recreationists and hunters. Uncertainty of what is in the area can also threaten protected species, such as wolves, and domestic animals, especially dogs. There are already concerns that those shooting coyotes in the wolf recovery area may inadvertently shoot protected Mexican gray wolves, as has been shown in previous incidents' AZGFD acknowledges that accidental shootings due to wolves being mistaken as coyotes are already a problem. 2 Night hunting would certainly heighten that threat. There are also serious questions about how this proposal will affect law enforcement's ability to do its job. Night hunting will make it more difficult to identify, charge, and prosecute poachers as they will now have the cover that they are merely shining and shooting coyotes. It is difficult enough to catch wildlife poachers without this added hurdle. With no real clear understanding of current predator numbers, how will impacts to any predator populations, especially mountain lions, be properly evaluated? There is no evidence that indicates this proposal would benefit other species or promote better functioning ecosystems. Is reducing the number of predators beneficial? Will this enhance the populations of pronghorn, deer, bighorn sheep, etc.? Is artificially enhancing those populations sustainable? Studies show that species such as coyotes just compensate – breed earlier, have larger litters, etc. – as they have when other extermination measures have been implemented, and predation upon prey species is not reduced following predator control efforts. 3,4 Predators are key to healthy functioning ecosystems. AZGFD must recognize that and incorporate this understanding into hunting regulations. As noted above and in the notice of rulemaking, the agency did not rely on any studies or research for this decision. It is irresponsible to move forward with this rule change. R12-4-304.A.8.f allows for the use of shotguns shooting shot for the take of mountain lions. This is another irresponsible and unjustifiable proposal. In our conversations with hunters both within and outside the Sierra Club, they have universally stated that this practice will very likely result in more wounded mountain lions. This is unethical and inhumane, and also can pose a public safety risk as a wounded animal can be more prone to attacking people. Wouldn't this create a new liability for AZGFD similar to the Mount Lemmon bear incident? 51 U.S. Department of Justice. 2010. Two men plead guilty to federal misdemeanor charges related to killing of Mexican gray wolves [PressRelease]. Available online at http://www.justice.gov/usao/nm/pr/2011-10-06_bruton_rains_pr.pdf. 2 AZGFD. Mexican wolf natural history. Available online at http://www.azgfd.gov/w_c/wolf/naturalhistory.shtml. 3 Knowlton, F.F., E.M. Gese, and M.M. Jaeger. 1999. Coyote depredation control: an interface between biology and management. *Journal of Range Management* 52(5): 398–412. 4 Berger, K.M. 2006. Carnivore-livestock conflicts: effects of subsidized predator control and economic correlates on the sheep industry. *Conservation Biology* 20(3): 751–761. 5 See 1996 attack on Mount Lemmon of Anna Knochel, which cost AZ \$2.5 million out-of-court. Printed on 100% Recycled Paper. Regarding wounded animals, we are also concerned about the use of low caliber rimfire firearms for javelina as outlined in R12-4-304(A)(7). Several of the hunters we consulted on this also expressed concerns about the wounding of more animals. Use of low caliber rimfire firearms would be inhumane and certainly could have a backlash impact on hunting. Would this also be the case with turkeys? See R12-4-304(A)(9). Finally, we have several questions about the proposed rule amendments. What is the definition of "hand-held projectiles"? Are these spears? The rule does not make the definition clear, and the discussion via the webcast did not adequately address it either. With regards to pneumatic weapons, are there any issues with their use and the potential for someone to wipe out a covey of quail due to the quiet nature of these weapons? Do these weapons pose a greater threat to public safety? Please address these questions in any responses. The Sierra Club is not opposed to ethical science based hunting provisions. Many aspects of this draft rule package appear to stray from ethical and science based hunting provisions, however. The rule also does not recognize the critical role that predators play in functioning healthy ecosystems and instead seems to be moving wildlife management back to an era when people thought fewer predators equaled more game animals. Such ideas have been disproved, and scientific under-

Notices of Exempt Rulemaking

standing has incorporated the importance of healthy predator populations into both nongame and game management. We cannot understand why AZGFD would take this step backward. Please reject this ill conceived proposal and focus on managing wildlife for the benefit of all species and all Arizonans. Thank you for considering our comments.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. Department law enforcement personnel will be aware of these limited areas and times, and therefore will be able to adjust patrols and surveillance methods accordingly in order to more effectively prosecute potential violators. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns. Pneumatic weapons are currently a lawful method for taking cottontail rabbits and tree squirrels, the proposed change would also allow upland game birds, such as quail, to be taken with pneumatic weapons. Pneumatic weapons are not “silent” and some actually create very audible “reports” due to the high velocities achieved. It certainly would lie within the realm of possibility that multiple birds could be removed from one covey, but that possibility also exists with existing lawful methods such as shotguns, falconry, and bows and arrows; the latter two methods being quieter than pneumatic weapons. Hand-held projectiles include any object or instrument that may be thrown by hand and include spears and rocks.

Written Comment: November 16, 2011. I am strongly opposed to the proposed amendment to “Lawful methods for taking of wild mammals, birds and reptiles”. It represents a backwards approach to wildlife management. Taking of top predators to increase the cash crop of game animals is poor management of our wild lands. It reflects the same single minded thinking of the past where these predators were considered only as pest or vermin. Please reconsider these proposed changes.

Agency Response: The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives, while avoiding habitats occupied by Mexican gray wolves. Department law enforcement personnel will be aware of these limited areas and times, and therefore will be able to adjust patrols and surveillance methods accordingly in order to more effectively prosecute potential violators. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns. Pneumatic weapons are currently a lawful method for taking cottontail rabbits and tree squirrels, the proposed change would also allow upland game birds, such as quail, to be taken with pneumatic weapons. Pneumatic weapons are not “silent” and some actually create very audible “reports” due to the high velocities achieved. It certainly would lie within the realm of possibility that multiple birds could be removed from one covey, but that possibility also exists with existing lawful methods such as shotguns, falconry, and bows and arrows; the latter two methods being quieter than pneumatic weapons. Hand-held projectiles include any object or instrument that may be thrown by hand and include spears and rocks.

Written Comment: November 16, 2011. I would like to send my support for the proposed changes to be considered by the Commission. I feel all of the changes will benefit sportsmen and game alike.

Agency Response: Thank you for your support.

Notices of Exempt Rulemaking

Written Comment: November 16, 2011. The use of dogs in bird hunting or anything that takes flight I can understand. However, the use of dogs for animals on the ground is inhumane to the smaller animals that sometimes are torn apart by the dogs. It is not humane for the larger type of animal as well. The animals are chased into a tree and then shot. The dogs can also be hurt in this type of activity. What kind of hunting is this? Dogs should not be allowed in hunting except in animals that have flight. The decrease in standard pull of bows from 40 to 30 is unjustifiable. The killing of animals with a bow requires accuracy as well as a high level of pull. Once again, the welfare of the animal is forgotten. I would suggest people that cannot use a 40 or higher pull should not be hunting with bow. In the Preamble of the changes to the articles rules says, "The Commission anticipates the rulemaking will benefit the public and AZGFD by encouraging the public to appreciate wildlife and the out-of-doors..." If animals are wounded or found suffering, if people or other animals are hurt because of night hunting or pneumatic guns, or if there is more poaching because law enforcement cannot enforce the law, then this is a false statement and people will not become "long term loyal customers". The Commission, AZGFD, and its employees are responsible for the conservation and establishment of viable ecosystems within AZ. I realize it is difficult to make everyone happy including environmentalists, hunters, fishermen, campers, hikers and so on. I believe this Commission is intelligent enough to know that these rule changes do not benefit anyone. Ethical hunters don't need these types of changes. The animals being hunted don't need these types of changes. In the 21st century, we need to step forward in the management of wildlife and not backward. We need to look at the predator, such as the mountain lion, as an important part of the environment. Targeting the predator, as such, is not the answer to increasing the game numbers. The Commission needs to realize that there are people in AZ besides hunters. There are people that enjoy the outdoors without guns. I plead with this Commission to make the right decision regarding these rules. Vote no against all changes. The hunters will not lose anything. They can still hunt. You will gain the admiration and respect of the people of AZ.

Agency Response: The proposed change to lower the minimum draw weight on bows from 40 lbs to 30 lbs reflects improved arrow speeds in modern compound bows. At the time the original rule was written, compound bows did not exist and hunters used traditional bows (longbows or recurve bows). Modern 30 lb compound bows with a standard 28" draw can deliver an equal amount of kinetic energy as a traditional 40 lb bow of the same draw length. The determining factors in a bow's effectiveness are not determined solely by draw weight, but include a combination of distance, accuracy, and the proper equipment. Proper equipment is not limited to the bow alone but also includes proper arrow weight, broadhead weight, and the type of cutting surface on the broadhead. Many states have completely eliminated any requirement for minimum draw weights, relying on the hunter to choose the proper bow for the species being hunted. This is a similar choice that firearms hunters must also make given that most states, including AZ, do not specify minimum calibers of rifles for big game species.

Current rules allow the use of pneumatic weapons to take cottontail rabbits and tree squirrels. The proposed rule change would add upland game birds also. Modern pneumatic weapons achieve projectile speeds similar to that of small caliber firearms and are an effective method for taking small game.

The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

The use of dogs for taking small game has been a long-accepted and traditional method of hunting, whether it be for birds or small mammals, such as cottontail rabbits. Currently, however, the use of dogs is not addressed in rules, even for birds, such as quail and waterfowl. The proposed rule change simply recognizes dogs as lawful methods of hunting small game, predators, and furbearers, which is accepted in practice today. State law does not allow the use of dogs for taking big game, with the exception that dogs may be allowed only for the pursuit of bears and mountain lions.

Written Comment: November 16, 2011. On behalf of the Animal Welfare Institute (AWI) and its members and constituents who reside in AZ, I provided the following comments on the Notice of Exempt Rulemaking to amend R12-4-304. AWI is strongly opposed to nearly all of the amendments proposed in this rulemaking. Not only does it appear that AZGFD has overstepped the authority provided in HB2396. Furthermore, despite the mandate of the Commission to manage and preserve AZ's wildlife, there is no evidence that AZGFD has subjected the proposed amendments to any substantive analysis to prove that they are required to achieve the desired results of AZGFD, to determine if they are necessary to properly manage AZ's wildlife, to assess their impact on the preservation of those affected wildlife species, to determine if the proposed amendments are consistent with the public trust mandate of AZGFD, or to ascertain how these amendments would impact the public and AZGFD. Finally, there is no evidence that the

Notices of Exempt Rulemaking

amendments proposed will “increase hunter opportunity,” encourage “family participation in hunting, fishing, and wildlife appreciation,” or “benefit the public and AZGFD by encouraging the public to appreciate wildlife and the out-of-doors.” Many of the proposed amendments represent a significant step backwards in wildlife management in AZ. It is astounding that AZGFD would even contemplate many of the amendments given the indisputable importance, as documented in the scientific literature, of predators in healthy ecosystems. Instead of embracing this evidence and using it to improve and modernize its management of predators, AZGFD has elected to continue to adhere to an anti-predator attitude apparently considering predators more as vermin in need of destruction instead of increasing their protection to obtain more complete, balanced, and healthier ecosystems. Furthermore, the proposals to permit the hunting of mountain lions and coyotes with artificial lights (i.e., night hunting) will dramatically and adversely impact law enforcement efforts to capture and prosecute poachers engaged in the illegal night-hunting of elk, deer, or other species for which the use of artificial lights is not permitted. Proposed amendments to increase the use of dogs to take wildlife, including the use of dogs to hunt coyotes including at night, will increase the harassment and potential mortality of non-target wildlife, lead to an increase in illegal trespass incidents by dogs and hunters on private lands, and may increase the potential for the injury or mortality of the dogs themselves. Finally, many of the proposed amendments, including the proposal to allow the hunting of mountain lions with shotguns shooting shots, expanding night hunting opportunities for lions and coyotes, and reducing the standard pull weight for bows will increase the cruelty inherent to hunting. Regardless of whether AZ’s animal cruelty laws are applicable to sport hunting, AZGFD and its Commission have an ethical and moral obligation, if they desire to manage AZ’s wildlife responsibly, not to permit hunting methods that are inherently cruel or that will increase the suffering of animals. For these reasons, which will be further articulated below, and due to other concerns with the proposed amendments also summarized in this letter, AWI respectfully requests that AZGFD withdraw this notice of exempt rulemaking. If, since the rulemaking has been published, it must be subject to Commission review, AZGFD should, ideally, strongly recommend that the rulemaking be rejected. At a minimum, AZGFD must request that the Commission delay final action on the rulemaking to permit AZGFD to more carefully study the alleged need for the proposed amendment and to assess the impact of the proposed changes on the general public, consumptive wildlife users, on the target and non-target wildlife species, and on AZGFD operations including, but not limited, to its law enforcement division. 1. AZGFD has overstepped its authority in proposed the regulatory amendments: AZGFD justifies the proposed amendments to R12-4-304 based on the language in HB2396, Section 5 which provides the Commission with a one year exemption from the rulemaking requirements of Title 41, Chapter 6 of the AZ Revised Statutes to modify administrative rules pertaining to the lawful method of take of wildlife. HB2396 amended Title 17, Chapter 2, Article 2 of the AZ Revised Statutes by adding a new section requiring the fingerprinting of AZ state agency employees and volunteers who have contact with children or vulnerable adults and amends other statutes pertaining specifically to wildlife law enforcement in AZ. While section 5 of the statute does provide the Commission with a one-year exemption from standard rulemaking requirements, normal statutory construction provisions would limit the practical effect of that exemption to those changes in the relevant rules that are necessary to achieve the intent of the legislature in amending those laws pertaining to wildlife law enforcement. In other words, when the legislature included section 5 in HB2396 it was for the purpose of providing the Commission with an expedited means of amending R12-4-304 as needed to comply with the terms of HB2396, not as *carte blanche* permission for AZGFD or Commission to amend its lawful methods of take in any and all ways that they or consumptive wildlife users desired. The fact that the duration of the exemption from the standard rulemaking procedures was limited to one-year provides additional support for the position that the intent of the legislature was to facilitate the rapid revision of the relevant rules to achieve concurrence with the statute and not to allow the Commission to make whatever changes it, AZGFD, or consumptive users may desire. If the legislature intended to provide the Commission with opportunity to amend R12-4-304 in any way that it desired, why would it limit the duration of the exemption to a single year? Similarly, HB2396 provides for the amended rules to “have an immediate effective date.” While it makes sense for the fingerprinting requirements contained in the new A.R.S. § 17-215 and any changes to R12-4-304 needed to comply with the intent of HR2396 to take effect immediately, there is absolutely no urgency to the amendments proposed to R12-4-304 that are the subject of this comment letter. Furthermore, section 6 of HB2396 which specifies that the “act is an emergency measure that is necessary to preserve the public peace, health or safety” and therefore, is “operative immediately as provided by law” also supports the contention that section 5 was intended only to permit the Commission to facilitate the expedited amendment of its rules to achieve the intent of HB2396. It is simply incomprehensible that the legislature intended to allow the Commission to classify changes to its rules to, for example, reduce the pull weight of bows, permit the hunting of mountain lions with shot, or allow the night hunting of lions or coyotes as an emergency. Such proposed amendments clearly don’t qualify as emergencies and certainly don’t require urgent implementation consistent with the “emergency” provision contained in HB2396. Indeed, as further articulated below, if anything some of the proposed amendments are antithetical to preserving the public peace, health or safety as is the clear intent of HB2396. Instead of interpreting section 5 as the legislature must have intended, AZGFD and Commission and perhaps those who partake in hunting, fishing, or trapping in AZ are taking advantage of this language in an attempt to propose changes to R12-4-304 ostensibly to increase hunting opportunities and, by so doing, to recruit more people and families to participate in hunting, fishing, and trapping activities. Because AZGFD has clearly overstepped the intent of HB2396 in pursuing the proposed amendments to R12-4-304, the exempt rulemaking must be withdrawn. This does not mean that AZGFD cannot propose those same changes again but that it must do so consistent with all of the relevant provisions of AZ’s rulemaking procedures. 2. AZGFD has failed to consider the interests of all Arizonans in proposing the amendments to R12-4-304, has not provided any evidence to justify the proposed amendments, and has not assessed the impact of the proposed revisions on the public, wildlife, or AZGFD operations. The Commission

Notices of Exempt Rulemaking

and, therefore, AZGFD has a mandatory duty to manage and preserve AZ's wildlife. A.R.S. § 17-231 at A2. In its proposed amendments to R12-4-304, AZGFD has failed to comply with this duty in that it has failed to demonstrate why said amendments are necessary to properly manage and preserve AZ's wildlife and/or to assess how the proposed amendments, if finalized, will impact the management and preservation of the state's wildlife species including both those directly and indirectly affected by the proposed revisions. Even more fundamental than its duty to manage and preserve AZ's wildlife, AZGFD has a mandate, as articulated in several Supreme Court opinions, to manage AZ's wildlife as a public trust resource. This concept holds that wildlife in the United States are "owned" by the public not individual state wildlife agencies and certainly not by hunters, fishers, or trappers. Because wildlife are considered a public trust resource, those agencies (federal or state) with a mandate to manage wildlife must do so in a manner that takes into consideration the interests of the "public." In AZ (and any other state) this would include all residents of the state and, in fact, more broadly would include all Americans as there are plenty of citizens who, though they may not live in AZ, have a strong interest in the responsible, ethical, and scientifically credible management of AZ's wildlife. Unfortunately, state wildlife agencies rarely, if ever, actually achieve management consistent with the concept of wildlife being a public trust resource. Instead, as evidenced by this proposed rulemaking, AZGFD and Commission are considering changes to its rule pertaining to lawful methods of take of AZ's wildlife that are intended to benefit the minority of AZ citizens who partake in sport hunting, fishing, and trapping without any apparent consideration of the interests of the majority of Arizonans who do not kill wildlife for sport, recreation, or fun. The failure of AZGFD to consider the broad interests, including the conservation interests, of all Arizonans in the context of this proposed rulemaking is sufficient grounds to withdraw the rule or to recommend its rejection by the Commission. Beyond its mandate to manage wildlife pursuant to the public trust doctrine and to manage and preserve wildlife as required by state law, AZGFD has an obligation to both justify the need for the proposed amendments and to assess their impact on the public, wildlife, and to its own operations. This has not been done. AZGFD, for example, makes it clear in the Notice of Exempt Rulemaking that it "did not rely on any study in its evaluation of or justification for the rules." In other words, the proposed amendments have not apparently been subject to any substantive evaluation to determine if they are either needed to address a pressing AZGFD need or to ascertain how the amendments, if implemented, would affect target and non-target wildlife, wildlife management practices, or other AZGFD operations (including but not limited to AZGFD's law enforcement operations). Additional discussion of these concerns is provided in the critique of the proposed amendments below. Nevertheless, even without any apparent analysis, AZGFD claims that the amendments will: increase hunter opportunities; encourage family participation in hunting, fishing, and wildlife appreciation; encourage the public to appreciate wildlife and the out-of-doors; develop long-term, loyal customers; aid in the Commission's recruitment and retention strategy; benefit the regulated community; and won't impose increased monetary or regulatory costs on other state agencies, political subdivisions, persons, or regulated individuals. An assessment of each of these claimed benefits demonstrates that AZGFD has provided no evidence to substantiate any of these claimed benefits. Studies of hunter demographics have indicated that the number of persons engaged in killing animals for sport or fun continues to decline and that most hunters are Caucasian, old, and getting older. Consequently, federal and state wildlife agencies have attempted to devise new strategies to recruit and retain more hunters including programs to increase youth participation in killing for fun and efforts to recruit women to participate in recreational killing. It is unknown if these efforts are having any meaningful impact on hunter numbers or retention rates. What is clear, however, is that as more Americans choose to live in urban areas, as the number of single mothers raising children increase, and given other forms of entertainment that don't involve killing sentient creatures, sport hunting has only a limited remaining shelf life. Frankly, it is inconceivable that anything that state wildlife agencies may try to recruit hunters can compete with sports and electronic gaming to attract youth or young adults to killing animals for fun. Similarly, though some women may be enticed into participating in hunting by promoting concepts of independence and self-sufficiency, most women (and most adults) are either too busy, have other interests, and/or have no desire to wield weapons against defenseless animals to partake in hunting. AZGFD claims that the proposed amendments are needed to implement the Commission's recruitment and retention strategies (presumably for consumptive wildlife users), will increase hunter opportunities, and will encourage increased family participation in hunting, fishing, and trapping. While AZGFD can suggest that such changes are needed to recruit and retain hunters, the underlying motivation in attempting to increase the number of consumptive wildlife users is about increasing revenue to AZGFD through the sale of licenses and has little to do with any interest by AZGFD to increase "appreciation" for wildlife. Furthermore, AZGFD has provided no data or evidence to substantiate these claims. It has, for example, not disclosed the trend in the number of hunters, fishers, or trappers in the state. Nor has it evaluated how or if the proposed amendments will affect hunter recruitment and retention and/or benefit the "regulated community." Since the amendments are offered primarily to increase hunter numbers it is only logical that AZGFD would provide some evidence to suggest that the amendments would actually achieve this objective. Has AZGFD conducted surveys of hunters or non-hunters to determine what regulatory changes would influence hunter interest, recruitment, and retention? Have other states amended their rules as proposed by AZGFD and, if so, how has that influenced hunter numbers? Has AZGFD engaged any scientific or social modelers to model how such changes could influence hunter numbers? Is there any evidence that the proposed revisions will actually increase family participation in hunting, fishing, and wildlife appreciation as claimed by AZGFD? If so, AZGFD should have disclosed such information to substantiate and justify the proposed changes. If not, AZGFD is obligated to conduct such analyses before proceeding with the proposed rulemaking. It should be noted that the proposed revisions have nothing to do with fishing so any claim that the changes would increase the number, recruitment, or retention of persons engaged in sport fishing cannot be substantiated. AZGFD also claims that the proposed amendment will benefit the public and AZGFD by encouraging the public to "appreciate wildlife and the out-of-doors with the opportunity to lawfully use additional

Notices of Exempt Rulemaking

methods of take.” How is this possible? How will allowing mountain lions to be taken by shotgun hunters using shot, allowing lions and coyotes to be taken at night, or reducing the pull weight for bowhunters generate public appreciation for wildlife and the out-of-doors? Apparently AZGFD has forgotten that the public includes the millions of Americans who reside in AZ and not just those who hunt, fish, and trap. If AZGFD were genuinely interested in encouraging the “public” to appreciate wildlife and the out-of-doors there are a laundry list of strategies it could implement that would not involve liberalizing the methods available to kill animals for fun. Similarly, it is unclear how AZGFD will benefit by such rule changes except in the unlikely event that the rule changes actually increase hunter numbers thereby leading to increased revenue for AZGFD. Even if this were to occur – which AWI believes is highly unlikely – the net economic benefit will be exceedingly minimal. To prove otherwise, AZGFD would have to demonstrate that reducing the pull weight for bows, allowing the hunting of lions with shotguns and shot, and permitting the night hunting of lions and coyotes will increase hunter numbers, recruitment, and retention. While the precise statistics are not known for AZ, it is anticipated that the majority of AZ’s hunters engage in waterfowl/upland game bird and big game hunting with much smaller minorities engaged in bowhunting and lion hunting. Consequently, whether the proposed changes will actually meaningfully increase hunter numbers is highly speculative at best. Furthermore, whether allowing night hunting of lions and coyotes will substantially increase interest in hunting is also speculative since indisputably the number of hunters likely to take advantage of such opportunities will likely be exceedingly low. AZGFD has offered no evidence to suggest otherwise. If anything, the proposed rule changes will be a detriment to AZGFD by increasing public criticism of the agency (i.e., for explicitly permitting hunting methods that will increase cruelty inherent to bowhunting and allowing lions to be hunted with shot), increasing public complaints (i.e., in response to illegal trespass by dogs/hunters both during the day and night), and by complicating AZGFD’s law enforcement efforts. There is little disagreement that bowhunting results in more suffering and cruelty when compared to the use of firearms (perhaps with the exception of muzzleloaders) to kill wildlife. Several studies have documented that for every animal killed by a bowhunter another is wounded and either dies a painful, slow death or recovers. Even if AZGFD disagrees with that general statistic, it can’t possibly legitimately claim that bowhunting does not result in more suffering compared to hunting with firearms. Reducing the pull weight for bows may increase the number of persons, including youths, who may elect to try bowhunting but it will inevitably result in more wounding and cruelty. Furthermore, younger, inexperienced bowhunters will not be as careful in stalking their target and won’t have the skill required to take a killing shot which will also result in increased wounding and suffering. Allowing the night hunting of lions and coyotes will also result in increased cruelty both by increasing the likelihood of the orphaning of dependent young and by making it more difficult, if not impossible, for hunters to locate and kill animals that are only wounded with the initial shot. AZGFD has an absolute obligation to ensure that the methods of take it permits result in the least amount of cruelty and suffering as is possible and, most certainly, should and must not allow for methods killing – as it is proposing – that will indisputably increase cruelty and suffering. AZGFD has failed to discuss or evaluate these issues in the context of the proposed rule. Allowing the use of dogs to hunt any wildlife species and expanding said use as proposed by AZGFD, whether dogs can be used only during daylight hours or at night, will increase the harassment of target and non-target wildlife, result in increased incidents of trespass on private lands, and could cause harassment of domestic animals and even livestock. While hunting dogs may be subject to training to try to limit their pursuit only to target species and to permit the hunter to somewhat control their movements through vocal commands, the reality is that once loose the hunter has virtually no control over what species may be pursued and where the dogs go. Unless the dogs are used in vast expanses of public lands, trespass of dogs on private lands is inevitable. If observed, private landowners may not approve of such trespass and may either confront the hunter and/or register a complaint with AZGFD. Moreover, though hunters may set their dogs on the scent of a bear or lion, there’s no guarantee that the dogs will only pursue those target species. If they do, studies have proven that the target species, even if not killed, can be physiologically harmed by the pursuit. If, however, the dogs end up pursuing non-target species this can also result in physiological harm and even death of these animals. AZGFD has provided no evaluation of these potential adverse impacts of the proposed rule on target or non-target wildlife populations or private landowners. Finally, there is no evidence to suggest that AZGFD has considered the implications of the proposed rule on its own operations including, and in particular, its wildlife law enforcement capabilities. While many of the proposed amendments may have no impact on law enforcement efforts in AZ, others particularly allowing night hunting of lions and coyotes, could dramatically complicate law enforcement efforts as it would require law enforcement agents to ensure greater presence in the field at night to ensure hunters are not utilizing artificial lights to illegally kill other animals and by complicating efforts to determine the intent of those who may possess artificial lighting equipment. Additional discussion of these concerns is provided below.

3. AZGFD has failed to adequately analyze the impacts of the specific proposed regulatory changes. This section of the comment letter will provide comments on many of the specific proposed revisions to R12-4-304. If specific proposed changes are not discussed below that means that AWI either does not have an opinion about the proposed change or that it supports the revision. AZGFD proposed to reduce the standard pull weight for the use of bows. These proposed changes to the rules pertaining to the take of antelope, bear, bighorn sheep, buffalo, deer, elk, lion, and turkey are clearly intended to permit more hunters to partake in bowhunting. AZGFD, however, has failed to demonstrate, as explained above, that the proposed changes to the standard pull weight for the use of bows will actually increase hunter interest in bowhunting, bowhunter numbers, or hunter retention and recruitment which is reported the purpose of the proposed revisions. Even if such evidence did exist, AZGFD has failed to address the cruelty of bowhunting. Those cruelty concerns are addressed above and, explained, the proposed revisions are expected to only increase the potential for wounding and the suffering of a wide variety of wildlife species. This is inevitable given the cruelty inherent to the use of archery equipment to kill wildlife and, as previously mentioned, novice bowhunters are unlikely to have the skill (shooting or

Notices of Exempt Rulemaking

stalking) or patience necessary to maximize the likelihood of a clean, killing shot. Such an analysis of said impacts must be undertaken by AZGFD before the proposed rulemaking proceeds. AZGFD proposes to allow lions and turkeys to be killed by hunters using shotguns shooting slugs or shot. The previous rule permitted both lions and turkeys to be killed with shotgun slugs but the proposed amendments would allow the species to be hunted with shot. It is unclear why this proposed revision is being pursued and no explanation is provided by AZGFD. While it could increase hunter killing of lions and turkey, it will inevitably also result in increased cruelty and suffering. Shot is simply not as effective as slugs as a killing method. This is particularly true for larger-bodied animals like lions. AZGFD has offered no evidence, including studies, assessing the efficacy of using shot to kill lions and/or turkeys. Nor has it even attempted to evaluate the potential cruelty inherent to the use of shot to kill either species. There is no evidence that AZGFD consulted with veterinarians, munitions experts, or others to understand if or how shot will or can be an effective, efficient and humane killing tool. Such analyses are essential before AZGFD continues with the proposed rulemaking. AZGFD proposes to permit the hunting of mountain lions and coyotes with artificial light as long as the light is not affixed to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail. Though it is not made explicit by AZGFD in the Notice of Exempt Rulemaking, this proposal is to permit the night hunting of lions and coyotes. At present, only raccoons, non-game mammals and birds, and reptiles are permitted to be hunted with the aid of artificial light. It is unclear, however, whether this necessarily corresponds to actual night hunting except in the case of raccoons. Nevertheless, expanding artificial light/night hunting opportunities cannot be justified given the serious potential implications to the target and non-target species, to the hunters engaged in night hunting, and to AZGFD's law enforcement efforts. For wildlife, night hunting will likely result in significant harassment. For those non-target species that are crepuscular or nocturnal, night hunting may disturb them from important ecological and biological behaviors including feeding, movements, nurturing young, social interactions, and breeding. For the target species – lions and coyotes – night hunting can lead to an increased rate of wounding, reduce the ability of hunters to distinguish between a male or female lion and, consequently, increase the potential for orphaning of dependent kittens, and increase the likelihood that a lion hunter will kill a female lion accompanied by spotted kittens in violation of AZGFD rules. The potential for orphaning dependent young would also apply to the night hunting of coyotes though, since AZ has virtually no rules regulating coyote hunting, this impact is also a likely outcome when coyotes are hunted during daylight. For lions, however, though AZ does not (though it should) prohibit the hunting of female lions (in order to minimize the orphaning of dependent young) it is likely that lion hunters may pass up the opportunity to kill female lions in order to pursue a larger male lion. During daylight hours, lion hunters can, should they try, distinguish between male and female lions. While that may be possible with artificial light during the night, the lack of ambient light will make the determination of sex based on anatomical features far more difficult. While AZGFD may or may not concern itself with the orphaning of dependent lion young (though it should if it has any interest in responsibly and humanely managing the species), it should be cognizant of any rule change that may result in the death of spotted kittens that accompany mother lions. AZ prohibits the killing of female lions and their spotted kittens yet, this proposed rule, effectively and significantly increases the potential for such violations to occur. Not only does the scientific evidence demonstrates that spotted kittens do not always accompany their mothers when she leaves the den area but even if they do, mother lions will often hide the kittens when being pursued by hunting dogs/hunters. As a consequence any lion hunter in AZ, whether hunting by day or night, has the potential of violating state law by killing a lion that has spotted kittens. The reality is that, during the day, there is a far higher possibility that the hunter would be able to observe the spotted kittens during the pursuit compared to at night. The use of an artificial light, no matter how bright, will simply not provide the hunter with the ability to adequately determine if spotted kittens are in the vicinity of the mother cat. As a result, this proposed rule actually both effectively condones hunters violating state law but facilitates their transgression of the law. Surely, AZGFD has no interest in adopting a rule that would facilitate the violation of a state law intended to protect mother lions and their spotted kittens. Furthermore, if lions are allowed to be hunted with the use of shotguns and shot and with the aid of artificial lights at night, this increases the potential for wounding. Since it is far more difficult, if not impossible, to track a wounded lion at night this then increases the possibility that the wounded lion will not be found and killed. While the lion could suffer and die from his/her wounds, it is well known that wounded wild animals are of particular concern as a risk to companion animals (i.e., dogs and cats) and livestock as their wounds, though not lethal, may prevent them from killing wild prey and to people. As a consequence, this proposed rule amendment may increase the likelihood of lions killing livestock, domestic animals, and even posing a safety risk to people and, in particular, children. Has AZGFD considered such impacts in its assessment of this proposed rule? Allowing the use of artificial lights/night hunting of lions and coyotes will also adversely impact AZGFD's law enforcement efforts. AZ, like all states, prohibits the spotlighting of big game species (i.e., elk, deer). If AZ permits hunters to use artificial lights to hunt lions and coyotes at night, it is, in effect inviting unscrupulous hunters to take advantage of this liberalization of the methods of take and to engage in the illegal spotlighting and killing of big game. In other words, the proposed amendments will provide poachers with both the means and incentive to use artificial lights to illegally pursue and kill deer and elk at night in AZ. Though law enforcement officers may still be able to capture and prosecute those engaged in illegal spotlighting if they are in possession of artificial lights and a recently killed elk or deer carcass, the mere presence of artificial lights could not be used as evidence of intent to violate AZ's laws since the hunter could easily claim that he or she were engaged in the night hunting of lions or coyotes. While it is unknown how commonplace illegal night hunting of big game is in AZ, the proposed amendments to permit the night hunting of lions and coyotes, if approved, will only complicate law enforcement efforts; an indirect impact of the proposed rule that should have been but was likely not considered by AZGFD. Finally, as AZGFD is well aware the use of firearms or other weapons to hunt animals poses a public safety risk

Notices of Exempt Rulemaking

regardless of the skill or level of training of the hunter. Though most incidents where hunters shoot other hunters or non-hunters or where bullets or arrows may strike a residential home are accidents, they do occur and human lives have been lost. Such accidents typically occur during daylight hours even though the ambient light would presumably provide the hunter with the ability to ensure that his or her target is not another human and to avoid shooting towards a home, school, or other dwelling. At night, however, the likelihood of an errant shot striking a dwelling and/or of a hunter mistakenly shooting another hunter or non-hunter is increased simply because of darkness. No artificial light will sufficiently illuminate a large enough area to avoid the potential for such accidents. Consequently, the proposed rule represents an increased risk to public safety; an impact that was apparently not considered by AZGFD. In regard to the specific proposals to permit the night hunting of mountain lions and coyotes, AZGFD has an obligation to consider the myriad impacts as identified above prior to proceeding with this rulemaking. AZGFD proposes to permit the hunting of rabbit, squirrel, upland game bird, Eurasian collared-doves, migratory game birds, and predator/furbearing animals with dogs. With the exception of coyotes, the use of dogs to hunt the other species would be limited to daytime hours only. For coyotes, dogs would be permissible for hunting during the day and night. The only other species for which hunting is currently permitted with the use of artificial lights are raccoons, non-game mammals and birds, and reptiles. The use of dogs to hunt wild animals is highly controversial depending on the species involved. While the public controversy may be less if the dog is used to retrieve a dead or wounded animal, the use of dogs to pursue, chase, and harass live animals is far more contentious. In these cases it is even possible that the target or non-target wildlife can be injured or killed by the dogs. Furthermore, as previously indicated, allowing dogs to be used to pursue/hunt wildlife can adversely impact both target and non-target species and can contribute to incidents of trespass where the dogs followed by the hunters access private lands where such access is implicitly or explicitly prohibited and where hunting may be prohibited or only allowed with the permission of the landowner. While such trespass incidents could occur during the day or night, at night the implications of trespass could be more severe as the landowner may be more fearful of strange dogs/people on his/her property at night and could resort to the use of weapons to protect his/herself, his/her land, and his/her animals. Similarly, whether dogs trespass on private lands during day or night, there remains the possibility that in doing so they could harass and/or harm livestock or domestic animals including the potential for adverse interactions with companion animals (i.e., dogs) on the property. Does AZGFD believe it is appropriate for its own rules to condone illegal trespass on private property? What efforts, if any, will AZGFD take, if the proposed rule is accepted by the Commission, to address trespass issues? What options, including financial reimbursement for damage caused, would be available to private landowners if dogs/hunters illegally trespass on their lands resulting in damage to any person (including fear, harassment), domestic animals, or livestock? AZGFD has an obligation to consider these types of issues and to disclose its findings before this rulemaking should proceed. AZGFD proposes to permit the hunting of rabbits, squirrels, upland game birds and Eurasian collared-doves with "hand-held projectiles." Not only is it entirely unclear as to what is meant by "hand-held projectiles" but AZGFD provides no evidence or analysis as to the effectiveness, efficiency, or humaneness of this killing technique. Would hand-held projectiles include stones/rocks? Is AZGFD proposing to allow stoning as a method of killing these species? If so, why? Is there a demand among hunters to permit this method of killing? The disclosure of what is meant by "hand-held projectiles" and an assessment of the cruelty/suffering inherent to the use of this tool must be provided by AZGFD before it continues to proceed with this rulemaking. AZGFD proposed to permit the hunting of upland game birds and Eurasian collared-doves with pneumatic weapons. It is not clear as to what specific weapons would qualify as "pneumatic weapons" and AZGFD has provided no evidence or analysis as to the effectiveness, efficiency, or humaneness of this killing method. The disclosure of what is meant by "pneumatic weapons" and an assessment of the cruelty/suffering inherent to the use of this tool must be provided by AZGFD before it continues to proceed with this rulemaking. Conclusion: Based on the foregoing analysis, it should be clear that the majority of the amendments contained in the proposed rule are illegal by being inconsistent with the intent of HB2396, unnecessary, unwarranted, and will have implications that have not been at all considered by AZGFD. For that reason, AWI again reiterates its request that the Notice for Exempt Rulemaking to amend R12-4-304 be withdrawn and the Commission be notified of this decision or, at a minimum, that AZGFD advise the Commission that a delay in completing the rulemaking is necessary in order to permit AZGFD to analyze all of the direct, indirect, and cumulative impacts of the proposed amendments on wildlife, the public, hunters, and AZGFD itself. Considering that the one-year exemption period contained in HB2396 is valid until April 2012, AZGFD does have sufficient time to engage in such an analysis, seek public comment on it, and to revisit this issue with the Commission at a future meeting.

Agency Response: The proposed change to lower the minimum draw weight on bows from 40 lbs to 30 lbs reflects improved arrow speeds in modern compound bows. At the time the original rule was written, compound bows did not exist and hunters used traditional bows (longbows or recurve bows). Modern 30 lb compound bows with a standard 28" draw can deliver an equal amount of kinetic energy as a traditional 40 lb bow of the same draw length. The determining factors in a bow's effectiveness are not determined solely by draw weight, but include a combination of distance, accuracy, and the proper equipment. Proper equipment is not limited to the bow alone but also includes proper arrow weight, broadhead weight, and the type of cutting surface on the broadhead. Many states have completely eliminated any requirement for minimum draw weights, relying on the hunter to choose the proper bow for the species being hunted. This is a similar choice that firearms hunters must also make given that most states, including AZ, do not specify minimum calibers of rifles for big game species.

Current rules allow the use of pneumatic weapons to take cottontail rabbits and tree squirrels. The proposed rule change would add upland game birds also. Modern pneumatic weapons achieve projectile speeds similar to that of small caliber firearms and are an effective method for taking small game.

Notices of Exempt Rulemaking

The proposed addition of the use of artificial light as a lawful method of take for mountain lions and coyotes is not anticipated to create public safety problems or unmanaged harvest of targeted or non-targeted wildlife. Currently, raccoon may be pursued with the aid of an artificial light and no public or officer safety issues have developed. Many states currently allow the use of artificial light to aid in the hunting of predators and no substantive public or officer safety issues have been noted by those states. There is currently a burden of responsibility upon the hunter to correctly and safely identify his or her target even during daylight hours, and that responsibility will also apply to non-daylight hours. The Commission will be able to authorize the use of seasons with shooting hours in which mountain lions and coyotes may be pursued with the aid of artificial light, but that will be limited to artificial lights that are not attached to vehicles or boats. AZGFD intends to recommend seasons where artificial light may be used during times and in locations where prey populations are below management objectives. AZGFD will monitor the efficacy of these seasons through law enforcement efforts, harvest reporting, and surveys of prey species. AZGFD recognizes the value of predators in healthy ecosystems, but also recognizes the need to manage all wildlife species to meet management objectives. AZGFD will recommend the use of hunting with the aid of an artificial light in conjunction with other management tools to meet management objectives.

The use of dogs for taking small game has been a long-accepted and traditional method of hunting, whether it be for birds or small mammals, such as cottontail rabbits. Currently, however, the use of dogs is not addressed in rules, even for birds, such as quail and waterfowl. The proposed rule change simply recognizes dogs as lawful methods of hunting small game, predators, and furbearers, which is accepted in practice today. State law does not allow the use of dogs for taking big game, with the exception that dogs may be allowed only for the pursuit of bears and mountain lions.

Written Comment: November 16, 2011. I am deeply disturbed by this new legislation allowing the use of shotguns to kill mountain lions, handguns to kill javelina and turkey and pneumatic weapons to kill small animals and birds/reptiles. And I am greatly opposed to the use of artificial light to hunt mountain lions and coyotes at night or letting dogs kill small animals. All of these practices are barbaric and have no place in our civilized society. To instate these allowances would put AZ back into the dark ages. Surely we have come further than this. No money in the coffers is worth torturing our animal treasures. Please, stop this from happening; another embarrassing idea in AZ government.

Agency Response: Hunters often use shotguns shooting shot to take predators that respond to calls and approach concealed hunters to within close proximity. Hunters often prefer this hunting method because, at close range, shotguns shooting shot are very effective at taking predators and little damage to the hide is inflicted with the shot. Occasionally, mountain lions are inadvertently taken with the use of shotguns shooting shot and the hunter is cited for illegal take. The proposed amendment to rule is unlikely to substantially increase take, while making it legal to harvest a mountain lion using a method that is effective at close range, regardless of shot size. There is no evidence of greater wounding rates or of greater human conflicts as a result of wounding.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns. Pneumatic weapons are effective at taking many small mammals currently, and the proposed rule change expands the ability to take smaller animals (including quail and Eurasian Collared dove). Amendments to rule regarding the use of dogs during hunting is designed to clarify practices that are already considered legal.

AZGFD is proposing the amendment to R12-4-304 to allow the use of artificial light, detached from any boat or vehicle, to take mountain lion and coyote so that the Commission may prescribe in which place and time this tool may be used to assist in the achievement of management objectives that influence both predator and prey species. Research has demonstrated that mountain lions are capable of influencing bighorn sheep populations, and coyotes are capable of influencing pronghorn recruitment. AZGFD will recommend the use of artificial light during nighttime hours within specific seasons (dates and locations) in conjunction with other management efforts to meet management objectives. Many other states currently allow nighttime hunting of predators, and no substantive evidence exists to indicate that public or officer safety has been compromised. Hunters bear the burden of identifying their target regardless of time of day, and artificial light will be used to illuminate their target during nighttime hours. Currently, raccoon may be pursued with artificial light.

Written Comment: November 16, 2011. On behalf of Jenny Neeley, Conservation Policy Director at Sky Island Alliance, please find the attached letter in response to AZGFD's Proposal to Amend Rule R12-4-304, "Lawful Methods for Taking Wild Mammals, Birds, and Reptiles." We appreciate the opportunity to comment on this Rule amendment and look forward to continuing to work with AZGFD on these and other issues affecting the health and integrity of the native species and ecosystems of the Sky Island region. These comments are being submitted in response to AZGFD Proposal to Amend Rule R12-4-304, "Lawful Methods for Taking Wild Mammals, Birds, and Reptiles." Sky Island Alliance (SIA) is a non-profit conservation organization dedicated to the protection and restoration of the rich natural heritage of native species and habitats in the Sky Island region of the southwestern United States and northwestern Mexico. We work with many partners to establish protected areas, restore healthy landscapes, and promote public appreciation of the region's unique biological diversity. We appreciate the opportunity to comment on this Rule amendment. *SIA strongly opposes the Proposed Rule Amendment to R12-4-304.* On behalf of our more than 1,100 members throughout AZ, Sky Island Alliance (SIA) is a non-profit conservation organization dedicated to the protection and restoration of the rich natural heritage of native species and habitats in the Sky Island region of the southwestern United States and northwestern Mexico. We work with many partners to establish protected areas, restore healthy landscapes, and promote public appreciation of the region's unique biological diversity. We appreciate

Notices of Exempt Rulemaking

the opportunity to comment on this Rule amendment. *SIA strongly opposes the Proposed Rule Amendment to R12-4-304.* On behalf of our more than 1,100 members throughout AZ, we are writing to express our **strong** opposition to amend Rule R12-4-304, "Lawful Methods for Taking Wild Mammals, Birds, and Reptiles." There are many reasons why the amendments proposed are a bad idea, including public safety, law enforcement, confusion of species, unnecessarily harassing and wounding animals, and virtually no long term benefit to wildlife species. AZGFD is increasingly targeting predators, supposedly in the name of increasing prey species; this is not a scientific approach to wildlife management. Before AZGFD proceeds with any measure, it must first look at whether or not it is justified scientifically and whether it is in the best interest of wildlife and the habitat they depend upon. The proposal to allow the night hunting of mountain lions and coyotes with artificial light should be based on solid scientific information, which AZGFD clearly lacks, given that in the Notice of Exempt Rulemaking (under item #7) AZGFD states, "The agency did not rely on any study in its evaluation of or justification for the rules." The proposed rule change is not only unscientific; it actually acts to the detriment of functioning ecosystems. The lack of scientific studies to propose additional hunting of predators and to evaluate the effects of new methods of hunting wildlife as part of functioning ecosystems, work against AZGFD's credibility and ultimately affects AZGFD's mission to "conserve, enhance, and restore AZ's diverse wildlife resources and habitats..." The proposal to amend rule R12-4-304 does not fit with AZGFD's long term mission, nor does it serve the people of AZ. Night hunting poses public safety issues, hunters know this well; with the proposed amendments it will be much more difficult for individuals to identify target species in the dark of night. Allowing night hunting endangers the public (residents of rural areas and recreationists, including campers, backpackers, hikers and hunters) and may negatively affect both game and non-game species, protected or not. Likewise, it will be extremely difficult for hunters to ascertain what and who is in the general vicinity of their target when they are focusing a spotlight on an animal. The proposed amendments will make it more difficult for law enforcement officers to do their job. Night hunting will make it more difficult to identify, and prosecute poachers, as they will have the excuse that they are merely shining and shooting coyotes. It is difficult enough to catch wildlife poachers without this added hurdle, please recall the several recent incidents of Mexican gray wolves being shot supposedly due to confusion with coyotes. Lack of knowledge about which species live in any given area facilitates the unintended (and certainly the intentional) shooting of protected species, such as wolves, jaguars and even domestic animals. Night hunting would certainly heighten that threat. The proposed amendments do not address the potential "confusion" between species – there are already documented shootings of Mexican gray wolves supposedly confused by coyotes, and even experienced hounds-men have confused at least two documented sightings of jaguars in AZ, initially believed to be mountain lions. Likewise domestic animals such as dogs can be confused with coyotes; domestic cats with bobcats, pumas or even ocelots, and cattle with elk, deer, or even bear. All these confusions are well documented with this agency. The use of shotguns for the hunting of mountain lions is also an irresponsible and unjustifiable proposal. Hunters know that this practice will likely result in wounded mountain lions, given that the approximate distances to dispatch a large animal like this would be within 30 ft. It is unethical and inhumane and also can pose a public safety risk as a wounded mountain lion might be more prone to attacking people. We are also very concerned about the use of low caliber rimfire firearms for javelina as outlined in R12-4-304(A)(7). Several hunters also express concerns about the unnecessary wounding of more animals. Use of low caliber rimfire firearms is inhumane and certainly could have a backlash impact on the public's opinion of hunting. To this point, we currently are aware of an increased number of wounded animals (javelina, bobcats, other) with arrows, rocks, air guns at wildlife rehabilitation centers. We appreciate the opportunity to comment on this Rule amendment. We look forward to continuing to work with AZGFD staff on these and other issues affecting the health and integrity of the native species and ecosystems of the Sky Island region. Please continue to include SIA as an interested party and direct all future public notices and documents to me at the address below. Jenny Neeley, Conservation Policy Director, Sky Island Alliance

Agency Response: AZGFD is proposing the amendment to R12-4-304 to allow the use of artificial light, detached from any boat or vehicle, to take mountain lion and coyote so that the Commission may prescribe in which place and time this tool may be used to assist in the achievement of management objectives that influence both predator and prey species. Research has demonstrated that mountain lions are capable of influencing bighorn sheep populations, and coyotes are capable of influencing pronghorn recruitment. AZGFD will recommend the use of artificial light during nighttime hours within specific seasons (dates and locations) in conjunction with other management efforts to meet management objectives. Many other states currently allow nighttime hunting of predators, and no substantive evidence exists to indicate that public or officer safety has been compromised. Hunters bear the burden of identifying their target regardless of time of day, and artificial light will be used to illuminate their target during nighttime hours. Currently, raccoon may be pursued with artificial light. AZGFD will recommend seasons that are sensitive to other species, and areas inhabited by Mexican gray wolves are not being considered for implementation of these seasons.

Hunters often use shotguns shooting shot to take predators that respond to calls and approach concealed hunters to within close proximity. Hunters often prefer this hunting method because, at close range, shotguns shooting shot are very effective at taking predators and little damage to the hide is inflicted with the shot. Occasionally, mountain lions are inadvertently taken with the use of shotguns shooting shot and the hunter is cited for illegal take. The proposed amendment to rule is unlikely to substantially increase take, while making it legal to harvest a mountain lion using a method that is effective at close range, regardless of shot size. There is no evidence of greater wounding rates or of greater human conflicts as a result of wounding.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

Notices of Exempt Rulemaking

Written Comment: November 16, 2011. These comments are submitted on behalf of the Animal Defense League of Arizona, and its members throughout Arizona. We appreciate the opportunity to comment and the opportunity to discuss the proposed rules with Department staff, prior to submitting these comments. At the outset, we take the opportunity to make some general comments. First, we note that the notice of rulemaking expressly states that the agency did not rely on any study in the evaluation or justification of these proposed changes. That is apparent. The changes not only cannot be justified; they are contrary to well-reasoned policy on scientific or many other grounds. Second, the proposal reflects the Department and Commission's escalating negative attitude towards predators. These species are critical to resilient, functioning ecosystems. Sound science and the duty to manage wildlife in public trust for all citizens requires that The Department and Commission shelve this proposal immediately. We are very concerned about the proposal to expand the use of artificial lights to hunt mountain lions and coyotes in R12-4-304(A)(8) and R12-4-304(D)(6). A similar proposal was submitted in 2002. The Department took a strong position against the proposal, as did individual Department employees and an overwhelming majority of the public who commented. We hereby incorporate by reference the Arizona Game and Fish Department Memorandum Titled "Request to Terminate the Proposal for establishing a night-hunting, limited weapon, shotgun shooting shot season for predatory and fur-bearing mammals (including the public review and statewide outreach portion of the plan) from Steve K. Ferrell to Duane Shroufe dated April 10, 2002 and its attachments, as if fully set forth. The reasons for rejecting the proposal in 2002 remain valid today, including, but not limited to:

- 1- There is no biological need or value.
- 2- Game and Fish law enforcement officers, hunters and members of the public who engage in nighttime recreational activities, such as camping, will be at risk.
- 3- Risk of shooting non-target animals, especially pets and endangered species such as black-footed ferrets and Mexican gray wolves that could be mistaken for target species possessing similar eye shine or appearance in low light.
- 4- It will be more difficult to apprehend poachers.
- 5- Lack of manpower to enforce laws at night will further stretch Department resources.
- 6- Difficulty for hunters to insure they are taking "safe" shots. This violates basic rule of hunter safety- knowing your target and beyond.
- 7- Risk of loss of injured animals
- 8- Risk of trespass, alienating land-owners and injuring livestock.
- 9- Risk of illegally shooting near roads or structures.
- 10- Compromise AZGFD's credibility as an agency that relies on science and as a leader in safe recreational hunting.
- 11- Night hunting has negative public image as it violates rules of fair chase.

It is a very bad idea to allow the take of mountain lions with shot gun shot in R12-4-304(A)(8). Why are lions the only mammal for which this method of take would be allowed? Lions should not be subjected to this new method of take that will have unforeseen consequences. Moreover, the odds of wounding, rather than killing would be increased. The public would be at greater risk of attack upon encountering an injured lion. An injured lion would be more likely to look to easier prey such as livestock pets or humans. The Department and Commission should remove the amendments at R12-4-403(B)(1) and (2) that allow take of certain small game with hand-held projectiles, as this is a broad, undefined weapon type that would be a danger to the public and hamper law enforcement. The Department and Commission should remove the amendment at R12-4-403(D)(7) that would allow the take of certain small game, predatory and fur-bearing animals with dogs. This is overbroad and would allow the hunting of foxes, coyotes and other animals with packs of dogs. This practice is not viewed by the public as fair chase and would allow the take of animals in an inhumane manner. We note that existing provisions that allow the use of hounds to pursue mountain lions expressly state "pursuit with dogs" while these new proposals simply state "dogs." This appears to evidence an intent to allow "take" with dogs- a practice that has long been illegal in Arizona. In closing, we note that the majority of Arizonans who do not hunt find this package to reflect the Department and Commission's complete lack of representation of most Arizonans. It is an extreme package that should be rejected.

Agency Response: The night hunting concept that was considered 2002 varied greatly from today's proposal. The night hunting concept considered AZGFD in 2002 proposed to open night hunting state-wide, for all wildlife species, without any limitations. With today's proposal, AZGFD is taking a measured, conservative approach in implementing the legislation and will utilize an additional public process prior to launching any night hunt, Commission Orders. AZGFD is proposing the amendment to R12-4-304 to allow the use of artificial light, detached from any boat or vehicle, to take mountain lion and coyote so that the Commission may prescribe in which place and time this tool may be used to assist in the achievement of management objectives that influence both predator and prey species. Research has demonstrated that mountain lions are capable of influencing bighorn sheep populations, and coyotes are capable of influencing pronghorn recruitment. AZGFD will recommend the use of artificial light during nighttime hours within specific seasons (dates and locations) in conjunction with other management efforts to meet management objectives. Many other states currently allow nighttime hunting of predators, and no substantive evidence exists to indicate that public or officer safety has been compromised. Hunters bear the burden of identifying their target regardless of time of day, and artificial light will be used to illuminate their target during nighttime hours. Currently, raccoon may be pursued with artificial light. AZGFD will recommend seasons that are sensitive to other species, and areas inhabited by Mexican gray wolves are not being considered for implementation of these seasons.

Hunters often use shotguns shooting shot to take predators that respond to calls and approach concealed hunters to within close proximity. Hunters often prefer this hunting method because, at close range, shotguns shooting shot are

Notices of Exempt Rulemaking

very effective at taking predators and little damage to the hide is inflicted with the shot. Occasionally, mountain lions are inadvertently taken with the use of shotguns shooting shot and the hunter is cited for illegal take. The proposed amendment to rule is unlikely to substantially increase take, while making it legal to harvest a mountain lion using a method that is effective at close range, regardless of shot size. There is no evidence of greater wounding rates or of greater human conflicts as a result of wounding.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

Written Comment: November 16, 2011. We the undersigned request that the Arizona Game and Fish Commission reject the proposed rule to allow night hunting of mountain lions and coyotes. Night hunting poses public safety issues. It will be much more difficult for individuals to identify target species in the dark of night. This can risk the safety of those camping or hiking in these night hunting areas, not to mention risking protected species such as wolves and domestic animals, especially dogs. Allowing night hunting also will make it more difficult for law enforcement to do its job and identify and charge wildlife poachers. Those engaged in illegal activities can more easily claim that they were night hunting as a cover for their activities. It is difficult enough to catch poachers, without this added hurdle. AZGFD is increasingly targeting predators supposedly in the name of increasing prey species. This is an outdated and unscientific approach to wildlife management. Aldo Leopold recognized the problems with this type of management 80 years ago and understood that predators are key to healthy functioning ecosystems. In addition to the problems pointed out above, the agency did not rely on any studies or research for this decision. It is irresponsible to move forward with this rule. (document contained a list of 495 names, not all were full-names).

Agency Response: AZGFD is proposing the amendment to R12-4-304 to allow the use of artificial light, detached from any boat or vehicle, to take mountain lion and coyote so that the Commission may prescribe in which place and time this tool may be used to assist in the achievement of management objectives that influence both predator and prey species. Research has demonstrated that mountain lions are capable of influencing bighorn sheep populations, and coyotes are capable of influencing pronghorn recruitment. AZGFD will recommend the use of artificial light during nighttime hours within specific seasons (dates and locations) in conjunction with other management efforts to meet management objectives. Many other states currently allow nighttime hunting of predators, and no substantive evidence exists to indicate that public or officer safety has been compromised. Hunters bear the burden of identifying their target regardless of time of day, and artificial light will be used to illuminate their target during nighttime hours. Currently, raccoon may be pursued with artificial light. AZGFD will recommend seasons that are sensitive to other species, and areas inhabited by Mexican gray wolves are not being considered for implementation of these seasons.

Hunters often use shotguns shooting shot to take predators that respond to calls and approach concealed hunters to within close proximity. Hunters often prefer this hunting method because, at close range, shotguns shooting shot are very effective at taking predators and little damage to the hide is inflicted with the shot. Occasionally, mountain lions are inadvertently taken with the use of shotguns shooting shot and the hunter is cited for illegal take. The proposed amendment to rule is unlikely to substantially increase take, while making it legal to harvest a mountain lion using a method that is effective at close range, regardless of shot size. There is no evidence of greater wounding rates or of greater human conflicts as a result of wounding.

The Department is withdrawing the proposed amendment that would allow the use of rimfire hand guns.

Written Comment: November 16, 2011. Gentlemen, I add my voice to the request to abandon your proposed amendments to R12-4-304. I was raised in a hunting culture (real hunters, not three days a year), I own a gun, I am not anti-hunting, and I do not see mountain lions and wolves as four-footed, fuzzy people. I do see these proposed amendments as counter to the current scientific data regarding wildlife management and the promoting of a balanced bio region. Concerning the taking of mountain lions and coyotes as you specified in your proposal: A shotgun shooting shot is not a realistic weapon to use when taking a large predator. The incidence of death is lower than with a single projectile, leaving wounded animals to run away and die slowly from infection or lead poisoning. Stalking these animals in the dark increases the likelihood of inadvertent taking of non-target species such as wolves, goats, Rottweiler's, and stray children. A good percentage of the population cannot correctly identify a large cat at noon, much less at midnight. The war on the apex predators in favor of human interests must stop. Have we not learned anything from the Yellowstone experience? "The disruption of top-down control in an ecosystem is something that much of the public once viewed as good but is now recognizing as a disturbing and expensive consequence that affects all forms of our lives and economies." – Dr. Joel Berger, Wildlife Conservation Society. Expanding the use of pneumatic weapons (B B guns, air rifles and pellet guns) is such a step backwards I can hardly believe you dared to put it in print. It has taken generations to teach young boys that using the neighborhood songbirds for target practice is not acceptable. This amendment will go a long way toward reversing that trend. Pneumatic weapons were intended for shooting at targets, not live creatures as many do not deliver a lethal wound, again leaving creatures maimed or dying slowly. You say: "the sport of using dogs to pursue and take wildlife has existed in North America since colonial days." Colonial days? Really? Fox hunting with dogs existed in Great Britain for over a thousand years and has been outlawed as a "cruel and barbaric sport." Using dogs to guard livestock? Yes. Using dogs to maul wildlife to death for sport? How much more uncivilized can AZ become?

Agency Response: AZGFD is proposing the amendment to R12-4-304 to allow the use of artificial light, detached from any boat or vehicle, to take mountain lion and coyote so that the Commission may prescribe in which place and time this tool may be used to assist in the achievement of management objectives that influence both predator and prey species. Research has demonstrated that mountain lions are capable of influencing bighorn sheep populations,

Notices of Exempt Rulemaking

and coyotes are capable of influencing pronghorn recruitment. AZGFD will recommend the use of artificial light during nighttime hours within specific seasons (dates and locations) in conjunction with other management efforts to meet management objectives. Many other states currently allow nighttime hunting of predators, and no substantive evidence exists to indicate that public or officer safety has been compromised. Hunters bear the burden of identifying their target regardless of time of day, and artificial light will be used to illuminate their target during nighttime hours. Currently, raccoon may be pursued with artificial light.

Hunters often use shotguns shooting shot to take predators that respond to calls and approach concealed hunters to within close proximity. Hunters often prefer this hunting method because, at close range, shotguns shooting shot are very effective at taking predators and little damage to the hide is inflicted with the shot. Occasionally, mountain lions are inadvertently taken with the use of shotguns shooting shot and the hunter is cited for illegal take. The proposed amendment to rule is unlikely to substantially increase take, while making it legal to harvest a mountain lion using a method that is effective at close range, regardless of shot size. There is no evidence of greater wounding rates or of greater human conflicts as a result of wounding.

Pneumatic weapons are effective at taking many small mammals currently, and the proposed rule change expands the ability to take smaller animals (including quail and Eurasian Collared dove). Amendments to rule regarding the use of dogs during hunting is designed to clarify practices that are already considered legal.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:

The rules do not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law is not applicable to the subject of the rules.

c. Whether a person submitted an analysis to the agency that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states:

The agency did not receive an analysis that compares the rule's impact on the competitiveness of business in this state to the impact on business in other states.

13. A list of any incorporated material and its location in the rule:

Not applicable

14. Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule? If so, shall state where the text changed between the emergency and exempt rulemaking packages:

The rule was not previously made, amended, repealed, or renumbered as an emergency rule.

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. AZGFD COMMISSION

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

Section

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

A. An individual may only use the following methods to take big game, subject to the restrictions ~~in~~ under R12-4-303 and R12-4-318.

1. To take antelope:

- a. Centerfire rifles;
- b. Muzzleloading rifles;
- c. All other rifles using black powder or synthetic black powder;
- d. Centerfire handguns;
- e. Handguns using black powder or synthetic black powder;
- f. Shotguns shooting slugs, only;
- g. Bows with a standard pull of ~~40~~ 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with

Notices of Exempt Rulemaking

- metal cutting edges; and
- h. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(1)(g) to be drawn and held with an assisting device.
2. To take bear:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs, only;
 - g. Bows with a standard pull of ~~40~~ 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
 - h. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(2)(g) to be drawn and held with an assisting device; and
 - i. Pursuit with dogs between August 1 and December 31, only.
 3. To take bighorn sheep:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs, only;
 - g. Bows with a standard pull of ~~40~~ 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - h. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(3)(g) to be drawn and held with an assisting device.
 4. To take buffalo:
 - a. ~~At the House Rock Wildlife Area~~ State-wide, except for the game management units identified under subsection (A)(4)(b):
 - i. Centerfire rifles;
 - ii. Muzzleloading rifles;
 - iii. All other rifles using black powder or synthetic black powder;
 - iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
 - v. Bows with a standard pull of ~~50~~ 40 or more lbs, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges; and
 - vi. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(4)(a)(v) to be drawn and held with an assisting device.
 - b. ~~At the Raymond Wildlife Area~~ In game management units 5A and 5B:
 - i. Centerfire rifles;
 - ii. Muzzleloading rifles; and
 - iii. All other rifles using black powder or synthetic black powder.
 5. To take deer:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs, only;
 - g. Bows with a standard pull of ~~40~~ 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and

Notices of Exempt Rulemaking

- h. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(5)(g) to be drawn and held with an assisting device.
- 6. To take elk:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs, only;
 - g. Bows with a standard pull of ~~40~~ 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
 - h. ~~For individuals holding a crossbow permit issued under R12-4-216, crossbows~~ Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(6)(g) to be drawn and held with an assisting device.
- 7. To take javelina:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs, only;
 - g. Bows with a standard pull of ~~40~~ 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
 - h. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(7)(g) to be drawn and held with an assisting device;
 - i. .22 rimfire magnum rifles; and
 - j. 5 mm rimfire magnum rifles.
- 8. To take mountain lion:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs or shot;
 - g. Bows with a standard pull of ~~40~~ 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; ~~and~~
 - h. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(8)(g) to be drawn and held with an assisting device; and
 - i. Artificial light, during seasons with daylong hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
 - ~~i.~~ Pursuit with dogs.
- 9. To take turkey:
 - a. Centerfire rifles;
 - b. Muzzleloading rifles;
 - c. All other rifles using black powder or synthetic black powder;
 - d. Centerfire handguns;
 - e. Handguns using black powder or synthetic black powder;
 - f. Shotguns shooting slugs or shot;
 - g. Bows with a standard pull of ~~40~~ 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges;
 - h. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(9)(g) to be drawn and held with an assisting device;
 - i. .22 rimfire magnum rifles;

Notices of Exempt Rulemaking

- j. 5 mm rimfire magnum rifles; ~~and~~
 - k. .17 rimfire magnum rifles; ~~and~~
 - l. ~~Shotguns shooting shot.~~
- B. An individual may only use the following methods to take small game, subject to the restrictions ~~in~~ under R12-4-303 and R12-4-318.
- 1. To take cottontail rabbits and tree squirrels:
 - a. Firearms ~~not prohibited in R12-4-303,~~
 - b. Bow and arrow,
 - c. Crossbow,
 - d. Pneumatic weapons,
 - e. Slingshots, ~~and~~
 - f. Hand-held projectiles.
 - g. Falconry, and
 - h. Dogs.
 - 2. To take all upland game birds and Eurasian Collared-doves:
 - a. Bow and arrow;
 - b. Falconry;
 - c. Pneumatic weapons;
 - ~~e-d.~~ Shotguns shooting shot only;
 - ~~d-e.~~ Handguns shooting shot only; ~~and~~
 - ~~e-f.~~ Crossbow;
 - g. Hand-held projectiles; and
 - h. Dogs.
 - 3. To take migratory game birds, except Eurasian Collared-doves:
 - a. Bow and arrow;
 - b. Crossbow;
 - c. Falconry;
 - d. Shotguns shooting shot, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; ~~and~~
 - e. Shotguns shooting shot and incapable of holding more than two shells in the magazine, unless plugged with a one-piece filler that cannot be removed without disassembling the gun that limits the magazine capacity to two shells; and
 - f. Dogs.
- C. An individual may take waterfowl from a watercraft except a sinkbox, ~~under~~ subject to the following conditions:
- 1. The motor, if any, is shut off, the sail, if any, is furled, and any progress from a motor or sail has ceased;
 - 2. The watercraft may be drifting as a result of current or wind action; may be beached, moored, or resting at anchor; or may be propelled by paddle, oars, or pole; and
 - 3. The individual may use the watercraft under power to retrieve dead or crippled waterfowl, but no shooting is permitted while the watercraft is underway.
- D. An individual may take predatory and furbearing animals by using the following methods, subject to the restrictions ~~in~~ under R12-4-303 and R12-4-318:
- 1. Firearms ~~not prohibited in R12-4-303;~~
 - 2. Bow and arrow;
 - 3. Crossbow;
 - 4. Traps not prohibited ~~by~~ under R12-4-307; and
 - 5. Artificial light while taking raccoon, ~~if provided~~ the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
 - 6. Artificial light while taking coyote during seasons with daylong hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
 - 7. Dogs.
- E. An individual may take nongame mammals and birds by any method not prohibited ~~in~~ under R12-4-303 or R12-4-318, ~~under subject to~~ the following ~~conditions~~ restrictions. An individual:
- 1. Shall not take nongame mammals and birds using foothold ~~steel~~ traps;
 - 2. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
 - 3. Shall not use firearms at night; and
 - 4. May use artificial light while taking nongame mammals and birds, if the light is not attached to or operated from a

Notices of Exempt Rulemaking

motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

F. An individual may take reptiles by any method not prohibited ~~in~~ under R12-4-303 or R12-4-318 ~~under~~ subject to the following ~~conditions~~ restrictions. An individual:

1. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
2. Shall not use firearms at night; and
3. May use artificial light while taking reptiles, ~~if~~ provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

G. For the purposes of Commission Orders authorized under this Section, “day-long” means the 24-hour period from mid-night to midnight.